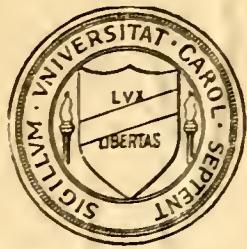


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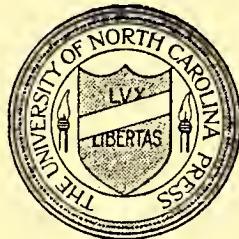
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UNIVERSITY OF NORTH CAROLINA
EXTENSION BULLETIN



SOME PROBLEMS IN DEMOCRACY IN
NORTH CAROLINA

NORTH CAROLINA CLUB
YEAR-BOOK, 1926-27

THE UNIVERSITY OF NORTH CAROLINA PRESS
CHAPEL HILL, N. C.

PASS ON THE HERITAGE

We know that self-government is difficult. We know that no people needs such high traits of character as that people which seeks to govern its affairs aright through the freely expressed will of the freemen who compose it. But we have faith that we shall not prove false to the memories of the men of the mighty past. They did their work; they left us the splendid heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted, and enlarged, to our children and our children's children. To do so, we must show not merely in crises but in the everyday affairs of life, the qualities of practical intelligence, of courage, of hardihood and endurance, and above all, the power of devotion to a lofty ideal, which made great the men who founded this republic in the days of Washington, which made great the men who preserved this republic in the days of Abraham Lincoln.—*Theodore Roosevelt.*

LIBERTY INCREASES WITH INTELLIGENCE

Just as a people rise in the scale of intelligence, virtue, and patriotism, and the more perfectly they become acquainted with the nature of government, the ends for which it was ordered, and how it ought to be administered, the power necessary for government becomes less and less, and individual liberty greater and greater.—*John C. Calhoun.*

THE CITIZEN'S OPPORTUNITY

No impediment of sex, race, age, education or commercial status hinders the citizen who would go to his political business wholeheartedly and effectively. Never before in our history has the way been so open as it is today. Never before has it been possible for one voter to acquire so much strength in his government if he only will try, as he may have today. Democracy never was so near the people as it is in the United States of America in this year that is passing. Under a strictly constitutional government in America today the citizen might lose his political identity. But he has changed the government, opened scores of roads of access to influence and effective service, and today stands upright, self-respecting, powerful to release in righteous political endeavor the full voltage of such a mind and heart as God has given to him.—*William Allen White.*

THE NORTH CAROLINA CLUB 1926-1927

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THE NORTH CAROLINA CLUB

FOREWORD

By PAUL W. WAGER

The students and faculty of a state university ought to be interested in state problems—civic, social and economic. In order to provide a medium for the study and discussion of such problems the North Carolina Club at the University of North Carolina was organized in the fall of 1914 and has been active ever since. It is composed of faculty members and students of all classes and schools though it never has a large membership. The club meets on fortnightly Monday nights for one hour. The club schedules are arranged, dated and bulletined as far as possible in the early fall of each college year. The program of the year usually consists of some fifteen sessions at which are reported the investigations, interpretations, and applications of the volunteer research workers. In addition to these reports by student investigators the club program includes a few addresses by people prominent in the life of the state.

Dr. E. C. Branson, the founder of the club and still its most faithful attendant, expresses the purposes of the club to be (1) competent acquaintance with the forces and influences, institutions and agencies, drifts and tendencies that are making or marring the developing democracy of the Mother State; (2) intelligent, interested, active citizenship as a fundamental necessity in democratic communities; and (3) competent public service. He believes that "a proper study for North Carolinians is North Carolina; that an acre in Tarheelia is worth a whole township in Utopia, and that knowing on which side of a commonwealth's bread the butter is, is worth at least as much as knowing on which side of the Hellespont Abydos was."

Each year the papers read before the North Carolina Club are assembled in a yearbook. The yearbooks to date are:

- 1915-16 The Resources, Advantages, and Opportunities of North Carolina
- 1916-17 Wealth and Welfare in North Carolina
- 1917-18 County Government and County Affairs in North Carolina
- 1918-19 No yearbook issued
- 1919-20 State Reconstruction Studies
- 1920-21 North Carolina, Urban and Industrial
- 1921-22 Home and Farm Ownership
- 1922-23 What Next in North Carolina? I
- 1923-24 What Next in North Carolina? II
- 1924-25 What Next in North Carolina? III
- 1925-26 Town and Country Interdependencies

This year the club has been studying some of the civic problems of the state. Manifestly, it could not consider them all. Unfortunately a few of the subjects presented before the club are not available in manuscript and hence are not represented in the yearbook.

THE J. W. BAILEY AWARD

Hon. J. W. Bailey, of Raleigh, offers annually a prize of fifty dollars in gold to that contestant making the "most valuable contribution of information affecting our Commonwealth." The award for the past college year was won by Mr. Alvin S. Kartus, of Buncombe County, whose paper entitled "The Case for the Short Ballot," was adjudged the best.

SOME ESSENTIALS OF GOOD CITIZENSHIP

E. C. BRANSON

Popular government, said Bryce, rests upon the principle that it is every citizen's business to see that the community is well governed. To make democracy safe in a harassed world, said Charles W. Eliot, means to give every citizen freedom to do his best for the common good and the will to use that freedom with energy.

It may well be doubted whether democratic institutions can forever endure if left to precinct bosses, ward heelers, and party chiefs who nominate a president on the seventh story of a Chicago hotel at two o'clock in the morning upon telephone orders from Pittsburg. Bad government is the penalty that good men pay for indifference to town-hall details, courthouse affairs, state-house influences, and congressional log-rolling. There be wheels within wheels in all these civic centers, and a man is super-educated if he is able to think straight as he reads between the lines of inescapable propaganda.

But there are comforting signs of change in the humor and attitude of tax-burdened constituencies. 'Turn the rascals out and lower the tax rate' used to be the cry, and almost the only cry, that could arouse the masses. However, it is beginning to appear to the stupidest voter that no particular party label is a guarantee of competency and honesty in public office. A good man in a bad system may waste as much public money as a bad man may steal in a good system. There is hope for tax-weary citizens if only they can have the intelligence and the courage to elect competent, honest men into a good system of government. And by a good system I mean a system based on properly ordered business procedures, quickened throughout by ideals of faithful public service. If not, there is little hope left for representative democracies. And here I register my conviction that any system or any law is bad if it overly tempts human nature. Whether or not democracy can ever be trained for efficiency is still an open question.

The average taxpayer is not yet vocal or at least not intelligently vocal, but I misread the signs of the times if a new type of American citizenship is not at hand. The rising tide of revolt among taxpayers, the United States over, is ominous for office-holders who cannot conceive of public office as a public trust. Thirty-seven county officials in a single state in a single year have recently retired to the penitentiary. It is beginning to be hazardous to handle public moneys carelessly.

I speak of four essentials of good citizenship: (1) A genuine, generous interest in community affairs, (2) Competent acquaintance with public problems, (3) Civic courage in behalf of peace, security and progress. And I have no hesitation in adding another almost indispensable condition of effective citizenship, namely, (4) Home and farm ownership. There are other civic essentials, but these four are enough for a brief discussion.

Genuine, Generous Interest

1. A good citizen has a genuine, generous interest in his home community—this, first and most of all. A man tight-fistedly busy with his own affairs and indifferent to the well-being of his home town, his home county, and his home state is almost certain to be a self-serving official at the county seat, at the state capital, or in Washington City. A leopard does not change his spots by any change of place. The peril of Democracy lies in tick-and-flea citizenship. Tick-and-flea citizens, I may say, are people who have the same interest in the community in which they live that ticks and fleas have in the animal on which they live.

A worth-while citizen is generously interested in better public highways, better public schools, better public health, better conditions of law and order, and greater opportunities for the under-privileged and disadvantaged. And he believes, as an active principle of life and business, that whatever is best for the community or the commonwealth is also best for him. That is to say, his citizenship begins in intelligent self-interest. And when I say intelligent self-interest, I have in mind all the meaning that John C. Calhoun packed into that phrase. Unintelligent self-interest is disruptive and destructive. The way out in almost every phase of life, livelihood, and civic rule lies in collusion rather than collision, in comradeship rather than contest, in diplomatic compromise and accord in non-essentials, but also in war to the end in every matter that threatens a democratic social order.

I use the word 'collusion' in its original meaning of 'playing the game together,' not in its sinister common meaning. Conflicting interests can always afford to play the game of life and business together in generous, good-humored give-and-take. I profoundly believe in the abiding values of collusion in this sense. For instance, the tax survey of Baltimore in 1926 was conducted by the city officials and a business committee of seventeen men representing large tax-paying interests, playing together the game of civic efficiency in a vital matter of government. General property taxes had become destructive and the owners of real-estate investment were facing bankruptcy in their dividends. The tax on office buildings had risen in five years from 24c to 61c per foot of floor space, and the tax rate on real property was \$2.97 per \$100 of valuation. It was an impossible situation.

To remedy it the business men's committee and the city officials labored together for months to reorganize the city government and to reduce to business order the handling of all public moneys, in proper bookkeeping and vouchering procedures. As a result the tax rate was lowered 17 per cent in a single year; all with no muck-raking, no scandals, no publicity, and no brass bands. When this joint committee began its work the business of the city was quite of a sort with the finances of a church oyster supper; today Baltimore finances are as well ordered as the business of an American mail-order house. Frank B. Kent tells the story in *The World's Work* of June, 1926, and it carries a lesson for wise reformers everywhere.

In two counties of my home state two groups of disinterested men of affairs, some forty-odd in each county, are leaving their private businesses, their law offices, and their professional jobs to journey to the courthouse once a month for intimate studies of county affairs. In both counties these genuine, generous citizens are meaning to learn all that intelligent people ought to know about how they are governed, and to learn not as party or partisan politicians but as patriotic members of the community. They will vote and vote intelligently, but not one member of either group could be dragged with a trace chain into party or partisan contests. They are studying the affairs of their home counties in the interest of improved government—mainly in better methods of accounting for and reporting upon all public moneys handled. They profoundly believe that no government anywhere rises above the level of its bookkeeping; that if business honesty and efficiency cannot be firmly established in public offices no other forward move is possible. The prompt penalty of civic indifference is impending bankruptcy in local governments the country over. One of these groups has an executive secretary who spends two days every month at the courthouse, and furnishes the members monthly sheets of information authoritatively ascertained. Both groups believe in giving the folks the facts and trusting the folks to do the rest. Given time, it is a sovereign remedy for bad government in a democracy. If not, there is no remedy and democracy is little more than "a painted ship upon a painted ocean."

The roll of such citizens is brief in America—brief, too brief, in any state or county or city. Our fashion of late is to give millions for church buildings, schools, hospitals, research, and the like noble enterprises—some eight hundred millions last year to just two of these purposes. Which is good, but giving one's self with one's gift is better. V. Everett Macy illustrates what I mean. A little while ago, he laid aside his private affairs in order to be superintendent of the Westchester Poor House in New York state. He served until the poor of the county could be properly housed, and the business details of poorhouse management could be reduced to proper forms of accounting. It is America's first instance of a millionaire in a poorhouse. Perhaps it is too much to expect every local official to be a peace-time patriot of this sort. But such selfless public servants are getting more and more into the public eye of late—a few in every state, in small ways or large. I happen to know, for instance, of a physician in North Carolina who abandoned his practice for four years or more in order to put in order the financial affairs of his home county. And he has been worth more to his community than all the politicians in a half-dozen generations of county history.

Twenty-five years ago, in another county, a teacher dreamed the dream of a consolidated school system based on a county-wide tax that offered the poorest child in the poorest country district the school opportunities of the richest child in the richest city ward. As a means to that end he set about knowing in detail the tax books of his county. And wonderful books of fiction he found them to be—far more wonderful than Jules Verne's *Twenty Thousand Leagues Under the Sea*. Quiet conferences were had, as chance offered day by

day, with the folks who were not on the tax books at all or who were there on a ten per cent basis or some other ridiculous ratio of their property values. And the folks were appalled at Coon's accurate knowledge of the tax facts of the county. They scrambled to get on the tax books and to increase their property values on the tax scrolls. They gave him the funds to build and maintain what I dare to call the best county school system in the South. He ruled his little kingdom as Pitt in his day ruled Europe—by lifting or lowering his eye-brows, as Napoleon said. He was not a college graduate, but the University of North Carolina gave him an LL.D. as a commonwealth builder. He never was a mere teacher. He was a teacher-citizen competently schooled in the public affairs of his home county and the larger concerns of his home state.

Competent Acquaintance with Public Affairs

2. A good citizen is competently acquainted with the public concerns of his city, his county, and his state. He believes that it is his duty to be intelligently schooled in the issues, measures and means that make his home town, his home county and his home state a better place to live in. Competent schooling in the affairs of his home community is necessary to a mastery of the large affairs of the state and the nation. He realizes that the little town he lives in is the big wide world writ small, and that the big wide world is his home town writ large. The forces, agencies and influences that make history at home are the forces, agencies, and influences that make history the world over. Democracy in America is simply the sum total of the democracy of individuals and small groups. How can he understand the world at large if he does not understand the affairs of his home community, or does not try to understand them, if he brushes them aside in the rush of personal business, if he beats his own little drum in his own little pint cup after the fashion of the little husband in Mother Goose, and lets everything else go hang?

It is not difficult to understand the small affairs of the home town, the sources of menace to local law and order, peace and security, the handling of its public moneys, the vouchering of its public accounts, the forms of town-hall bookkeeping, the town budget and so on and on. But if he has no interest in these matters of common concern, he is only like many or most other men in this or that community. In the end he and his like pay for civic aloofness—pay in sky-rocketing tax rates, morbidity rates, and death rates, in depressed; demoralized and bedraggled community conditions. The papers on my desk this morning report a small-town clerk behind \$5,000 in his accounts, a board of county commissioners with \$335,000 of excess bond money that they cannot legally spend, a tax collector in a country county nearly a half-million dollars in arrears. All because it is the reckless fashion of American voters to elect men to office from time to time, and then to drop into undisturbed civic slumber betweenwhiles. It is useless, says Frank F. Kent, for taxpayers to wag their heads solemnly over the little scandals of local government, snicker at its little internal fights, guffaw over some of its alibis, and then to scream with rage at the tax rates.

Idiot is what the ancient Greeks called such men. The essential meaning of the word is 'private and personal' in one's activities, remote and apart from public affairs, as the traders, shippers, money changers, farmers, and helots were in the little world of Pericles. The word in its primary significance ought to be revived for popular use in modern democracies.

It is not easy for the average man to think through the facts of such problems as improved public waterways and public port terminals, the low rate taxation of intangibles, county-group jails, hospitals, and homes for the poor, the Mussel Shoals problem, the Boulder Dam project, the rights, powers, privileges and duties of grand juries at home and the Interstate Commerce Commission in Washington, the new charter of the Federal Reserve Bank, the Great Lakes-St. Lawrence Ship Canal. Every one of these problems concerns every business and everybody in the nation. And every one of these problems is beclouded by the conflicting interests involved. The public mind is befogged just as it was in the Panama Canal issue a quarter-century ago. A citizen is not a competent citizen if he is not willing to learn all that it is possible for him to know about local, national and international problems. A stupid lack of interest in essential matters of public concern is a menace to society, and America is in danger of developing what Carlyle called 'the devil's paralysis of undisturbed complacency.' The result is that public policies are left in control of big business and its rubber-stamped henchmen. And big business claims that its active interest in legislation will be self-defensively necessary as long as demagoguery is profitable for election and re-election to public office. We bewail corruption in high places but as long as voting constituencies are uninformed or misinformed, or uninterested and indifferent, we shall always have an overplus of fakers in public places and a plethora of public scandals everywhere.

What but stupid indifference will explain a tax rate in a country county so high that an audit shows a surplus of \$145,000, in spite of the fact that the tax collector is behind more than \$400,000 in his accounts, to say nothing of an additional \$150,000 of spurious school-fund notes? Less than half the tax rates of the last five years would have been sufficient to keep this particular county moving steadily forward and upward in every department of county affairs. The taxpayers pay at last and pay through the nose for such civic stupidity.

Civic Courage

3. It takes grit and grace to be a good citizen. Said a business man in the county just referred to—

"Yes, I knew what was going on, knew pretty nearly all there was to know about it, but I couldn't afford to start anything. I was tied-in with the friends, the families, the bondsmen of the courthouse grafters. I kept my own hands clean, but I didn't crave a bloody nose or a bankrupted private business."

Some time ago I was riding through the country regions of a nearby county with a substantial farmer. "I am mightily troubled," said he, "about a

plague-spot in my neighborhood, some little distance away but in full view of my home. It's a house of shame, and I don't know what to do about it."

Do you know who is responsible for it? said I.

"Oh, yes," he replied, "I know who runs it, I see the women of it going and coming and I see the men's cars parked around it day and night. I guess I know all about it, but I don't know what to do about it."

Have you thought of going straight to the responsible party and talking it out with him as a neighbor, or swearing out a warrant, or reporting him to the grand jury? said I.

"Oh, I couldn't afford to do that," said he, "I should be in trouble with too many people in my neighborhood. It's a graveyard proposition, and I can't afford to have my stock shot down in the pasture, or my house burned down over my head, or a bullet in my back as I work in the field."

Is anybody else out your way worried about this thing? I asked.

"Oh, yes," said he, "a lot of us talk about it and wonder what to do about it. It don't look like we can do anything about it. I reckon a mob will have to attend to it."

It is civic cowardice on part of private citizens that accounts for masked bands, and in many minds justifies mob violence. The simple truth is that the nervelessness of private citizens licenses many or most of the ills of our social order. It may be hard for the courts to convict, so hard as to put an end to respect for the courts, but juries cannot be expected to be braver than private citizens who possess knowledge of flagrant open crimes.

Two or three years ago the papers of my state printed, as a joke on the men, the story of a raid that swept one of our mountain counties clean, a raid conducted by seven women, the leader being a grandmother nearly eighty years of age. "Liquor," said she, "is ruining our husbands and children, and we've got the grit to clean out the stills."

Good citizenship calls for courage—courage to take the initiative in swearing out warrants, courage to attend court sessions as witnesses, courage to neglect one's private business for a season, courage to face consequences.

It takes all sorts of courage to be a worthwhile citizen. It took courage in Benjamin H. Hill in the seventies of the last century to deliver his Bush Arbor speech. It took courage in Melvin Carter to take the initiative in ridding North Carolina of misrule in Reconstruction Days—courage to say what he had to say, with the bayonets of Kirk's militia set against his throat as he spoke in the House of Representatives—quiet, cool, unflickering courage! And it took courage of the very highest order in Plato Durham, John W. Graham and Tom Jarvis to stand alongside the tiny representative from Buncombe as he sprayed prussic acid invective upon the scalawags and carpet-baggers of that memorable legislature.

Ask Gifford Pinchot if it took courage to oppose Penrose, his party boss in Pennsylvania, in the heyday of his power.

It takes courage—grim, Scotch courage—for our Governor McLean to stand resolutely for honesty, efficiency and economy in the state and county governments of North Carolina.

It took courage of the highest order for Senator J. C. C. Black to rebuke and defy his constituents in Georgia in my boyhood days. It takes courage of a rare sort—good-humored, relentless, bull-dog courage—to pursue the oil grafters of Harding's administration, as Senator Walsh is doing today.

But it is the courage of such citizens that makes possible any substantial progress in the march of humanity. It took marvelous courage on part of Aycock to campaign North Carolina thirty-odd years ago in behalf of equal educational opportunities for the children of the rich and the poor, the high and the low, for the children of blacks and whites alike—marvelous courage! But the thrill of that courage quickened the life of an entire state and started a new era in its history.

Home and Farm Ownership

4. Home and farm ownership is a condition of essential citizenship. It was so in former times, it is so today, and it probably will always be so for all time to come—so because of the nature of human nature. The proposition is worth considering in a civilization that has shifted its base from land ownership in the old social order to stocks and bonds, notes and mortgages and similar other symbols of secondary wealth in the new industrial order. During the last two hundred years the landed aristocracy of England and America has steadily yielded place to the coupon aristocracy of bankable paper. There was a time when the Anglo-Saxons could say, The land's the man, the man's the land, no land no man, Who owns the land owns the man, Who owns the land rules the realm. King John's nickname of 'Lackland' was an epithet of ineffable contempt in the England of his times. It was no solace to the soul of Shakespeare to be a prince in the Kingdom of Letters, for he well knew that he was a prince in rags and tatters unless he could own a bit of land somewhere and have the legal right to sign himself 'William Shakespeare, Gentleman.' Not even squirarchy in his day was possible to a landless man of genius, even of Shakespeare's size and significance.

The change in the social order of England is extreme, and English statesmen are at last profoundly aroused about the problems of a civilization based on land ownership by the few and land-orphanage for the many. More than ninety-five per cent of the city lots and farms of England and Scotland are occupied by leaseholders, tenants and renters.

The landless, homeless people of the United States have not yet reached the tenancy proportions of England and Scotland, but our tenancy ratios, town and country, are steadily approaching those of these two countries. Already a little more than half the people of the United States are tenants and renters, owning not a square inch of the soil they cultivate or a single shingle in the roofs over their heads. In North Carolina one-third of our white farmers and two-thirds of our Negro farmers are tenants, most of them on a cropper level. From two-thirds to three-fourths of the people of our larger cities spend their days and nights like poor Dante 'going up and down somebody else's stairs.'

I profoundly believe that civilization is salted unto salvation by the home-owning, home-loving and home-defending instincts. I do not believe that civilization can anywhere be safely based on the landless estate of men.

The fatal law of the new industrial order seems to be that the more populous and prosperous an area becomes the fewer are the people who live in homes of their own. The ratios of home ownership run high in rural states and small towns, and low in industrial states and large cities. Eleven people in the hundred own every inch of the land of greater New York. Eighty-nine in the hundred are tenants and renters, dwelling in tenements, apartment houses, and family hotels. In Manhattan Borough the people who dwell under their own rooftrees are fewer than five in the hundred of population. In North Carolina we have 22,000,000 idle, wilderness acres and 1,650,000 landless, homeless people, town and country. And it augurs ill in the years ahead. The price of what we are pleased to call progress in America is increasing homelessness. It is the cruellest paradox of Christendom.

The ownership of homes and farms is distinctly and directly related to stable, responsible citizenship. A peril—perhaps the greatest peril in America—lies in restless, roving, irresponsible citizenship. The most mobile population of the world today is the population of America. We have motor cars enough to move 120,000,000 people forty miles from home base in any single hour of any day or night. Restless change of place is a pronounced characteristic of America. It largely accounts for the 384 desertions of homes by husbands or by wives in the little city of Durham alone in a single year. The shift of the gas-meter records in New York last year was forty-nine per cent of the total. Which means that nearly half the people of greater New York flit every year from Staten Island to White Plains, from Newark to West Hampton, or to points between or beyond.

Our civilization is menaced by restless, instable, irresponsible citizenship—restless and roving because it is easy to shift from pillar to post upon the instant, and irresponsible because it is not identified with any community by any stake in the land. More than half the people of the nation are strangers, pilgrims, sojourners. They are citizens of a far country—almost any far-away place suggested by the pinch of necessity or the lure of opportunity.

Recent field surveys in four rural counties of the South show that from eighty-five to ninety-seven per cent of the crimes are committed by landless people, white and black, town and country; that the ratios of crimes by tenants and renters run far ahead of their population ratios; and that the ownership of a home or a farm tethers a man to law and order better than all the laws on the statute books.

The explanation seems to lie in the fact that the prideful ownership of a home gives a man a chance to hold his family together and to safeguard the integrity of his household, that it promotes industry, thrift, sobriety, and respect for law, that it breeds in him an active interest in churches and schools, highways and health, that it moves him to protect his home community against social contaminations, that it makes him or tends to make him a better father, a better neighbor, and a better citizen.

The hope of America abides in the men who dwell under their own vines and fig trees, unmolested and unafraid. "Trade increases the wealth and glory of a country; but its real strength and stamina are to be looked for in the home-owners of the land," said Lord Chatham.—Stenographic report Jan. 24, 1927.

MODERNIZING EDUCATION FOR CITIZENSHIP

PAUL W. TERRY

Citizenship as an Objective in American Schools

The first schools for common people in this country were founded on the religious motive. The men who established these schools were interested in citizenship, but it was citizenship in the next world. Whenever they brought themselves to think of youth in terms of life in this world their point of view was that the training which was best as a preparation for Heaven would also be best as a preparation for life on earth. As the years passed, however, people became more engrossed in trade, business, and industry; interest developed in the fields of romance, art, and beauty; the wonders of science began to attract attention; and the problems of politics arose to demand an increasing share of thought. Men devoted themselves more to secular things and the schools gradually recognized the change in point of view. Preparation for citizenship on earth was seen to be a very important matter. And from about the beginning of the nineteenth century training for citizenship became the dominant aim of the American school and such it is today.

The Civic Education of the Present Generation of Adult Citizens

Despite the fact that for more than a century teachers have been working earnestly to prepare each generation of youth for the duties of citizenship, dissatisfaction with the results that we have been able to achieve is prevalent on every side. Far less than was expected has come of the school's efforts to train young people for the conduct of affairs in our democratic society and in many quarters people are wondering if the representative form of government will prove to be equal to the needs of the United States of today. What is the matter with civic education, we may well ask, when disappointment and fears of this kind are so widespread? It is our purpose to attack this question from the standpoint of the present generation of adult citizens. The present generation of grown people is, roughly speaking, the product of the schools of twenty to thirty years ago. The civic training that was given in the schools of the nineties, therefore, is responsible in large part for the civic character of the present generation of grown people. An examination of the civic education of this period may be expected to throw much light on the question we have raised.

Training for citizenship in the nineties consisted almost wholly of the study of history and civics: American history and civil government were found in the upper grades of the elementary school. In the secondary school there were ordinarily four more years of history and civics including ancient, medieval and modern, English, and American History and a final course in civil government. The content of these public school courses and their sequence were determined in the greater part by college professors. The college teacher of that day was far more of a specialist in his own field than a student of the needs of pupils in the public schools. He was profoundly impressed with

the ignorance of history which he found in the entering freshmen. And when he had a chance to reform the curriculum it is easy to understand how he felt that large amounts of history would improve the civic teaching of the schools. The books on history then consisted in large part of narratives of presidential administrations, wars, and national movements. The textbooks were brief condensations of college courses, with far too little explanation of the significance of the movements of history. Oftentimes they proved to be very vague and unsatisfying reading for the pupils. The civics textbooks were treatments primarily of the anatomical details of government such as the minimum age of representatives, the duties of the president, organization of the courts, lists of peace officers, etc. This program of education for citizenship was based on the assumption that knowledge meant power and that a knowledge of history and the structure of government were the kinds of knowledge that the citizen needed. The school men of that day seem to have believed that if the pupils read the textbooks and passed the examinations they would by virtue of these achievements become intelligent citizens, and active and eternally vigilant workers for the safety of democracy. In this situation we find a complete explanation of the fact that when a group of citizens today becomes alarmed about civic conditions they pass resolutions to the effect that the Declaration of Independence ought to be memorized and the Constitution studied more thoroughly in the schools.

Bewilderment of the People in the Face of Modern Civic Problems

When one examines the subjects that were studied in school by the adults of the present he need not be surprised at the bewilderment which overcomes these citizens when they face the difficult social problems of the day. In the history and civics textbooks which they studied there was little, if anything, concerning the control of railroad and bus lines, the Australian ballot, protection of women and children in industry, building up a state seaport, budgeting of state finances, adequate sources of tax revenues, the proper length of the compulsory school term, the cooperative marketing of farm products, etc.—to mention only some of the outstanding social problems of North Carolina. The citizen is dismayed when he realizes how powerless he is as an individual in the face of these problems. His schooling did not explain to him the situation that Woodrow Wilson described so well in these words, "Yesterday and ever since history began men were related to one another as individuals. . . . Today the everyday relationships of men are largely with great impersonal concerns, with organizations, not with other individual men. Now this is nothing short of a new social age, a new era of human relationships, a new stage setting of the drama of life."¹

The situation of the cotton and tobacco growers of North Carolina is a case in point. The tobacco cooperative association is in the hands of a receiver and only a small percentage of the cotton farmers are members of the cotton association. The plight of the first association and the limited scope of the second are not due, as is so often charged, to the greed and the disloyalty of

¹*The New Freedom*, 1913, p. 6-7.

the farmer. They are attributable, rather, to the fact that the farmers as a whole understand very little of the need for cooperative marketing and possess even less skill in the management of undertakings which call for the effective working together of such large numbers of scattered people. So many of them lack the necessary education. Another striking example of the lack of essential civic education is the strong resentment and the fierce opposition that was met by the President of the State Teachers Association recently when he undertook to tell the people how far behind other progressive states North Carolina is in respect to education, as compared with its standing in respect to material wealth.

Outstanding Shortcomings of the Present Generation of Citizens

The ineffectiveness and dismay of the present generation of adult citizens as they attempt to meet the complex social problems of the day proceed from three outstanding shortcomings. In the first place the average citizen has a very inadequate understanding of the nature of practical politics under which public affairs are managed. The common idea of politics is that it is a mysterious incarnation of dark powers whose primary object is to defeat the will of the people. The common idea of politicians is that of shrewd and slippery rascals who are bent on enriching themselves from the people's pockets. The average citizen does not know that the politician, ordinarily, is a very human sort of fellow who is interested in public business much like the average citizen is interested in his own private business; and that the politician is willing, as the average citizen is not, to take the trouble to manage the public business. Nor does the average citizen understand that politics is nothing but the work of organized bodies of men who try hard, generally speaking, to do what the people want; nor does he perceive that the only way the politician has of knowing what the people want is to listen to the demands of those who express themselves clearly and forcefully. The average citizen does not understand how to join the existing organizations, or to set up new organizations, in such a way as to make his desires forcefully known.

The second outstanding shortcoming is the lack of a sufficient number of educated and capable leaders. Politics, although it is one of the most important businesses in the nation, is not considered a very attractive career for ambitious and promising young men. Such young men in the United States tend to go into industry and into the professions where more ample rewards more surely await them. The reason for this dangerous condition of affairs brings us to the third shortcoming of our present citizenship—the lack of trained and interested followers or observers of the public business. The indifference of the people to politics is so callous and widespread that a statesman, no matter how conscientiously and intelligently he tries to carry on the public business, is never certain that the people at large will discover how faithfully he has worked and give him the support he needs to remain in power. The people either do not care or they do not know how to support the public men who serve them honestly. It frequently appears that they are unable, or will not take the trouble, to distinguish between inferior and

superior leaders. This state of affairs cannot be hidden from intelligent young men and it is not surprising that our political leaders, as far as able men are concerned, consist only of those who are most courageous and most devoted or else those who are rich enough to be able to meet the hazard and disillusionments of public life with safety to themselves and their families.

Causes of the Bewilderment and Shortcomings of the Present Generation of Citizens

We are now prepared for the question—To what extent are the bewilderment and shortcomings of the present generation of adult citizens due to the kind of civic education which they received when they were children in school? The answer is that these troubles are attributable, to a great extent, to an inadequate educational preparation. It is now easy to see that the schools of the nineties emphasized the informational side of citizenship almost exclusively. It was merely the reading of books about history and civics from one year to another. The schools of that day failed to take due account of the fact that the good citizen must be a man of action as well as of intelligence. They did not understand that information finds its greatest value only in the hands of men who are determined to do something about it and who know how to do things. These schools were not well acquainted with a great fact of which modern psychology has made us certain—that the best way to prepare young people to act like good citizens in later life is to train them in the doing of similar things while they are still in school. What we needed was a training in action: what we had was training in reading.

The training in reading, moreover, was too often given in a way that in itself produced unfortunate results. There were but few books in the schools of that day in addition to the textbooks. The schools were either too poor to buy more books or they assumed that all the children would be able to learn, or all that was worth knowing, was to be found in this handful of books. As a consequence pupils were taught to read their books from cover to cover, to treat everything, even the minutest details, as of equal importance, in short to read them like the Bible as if everything in them were true. The pupils were not supposed to have social problems in their minds when they read, nor read the books with the immediate purpose of finding light on some political question of the moment. And yet this is the way citizens must read today if they are to make good use of books in the effort to get some light on our troublesome questions. One of our recent writers forcefully describes the outcome of this method of teaching in the following words: "The school environment with its docile attitude on the part of the learner, which is encouraged by the teacher, is unfavorable for the development of independent thinking. Our schools have developed a gullible, credulous, slavish generation of readers. As evidence of this, the most fantastic, hurried, and inaccurate yarns of the newspaper reporter are taken for truth by a great majority of readers."²

²Stormzand, Martin. *Progressive Methods of Teaching*. p. 9.

Resources of the Modern School That Are Available for the Improvement of the Teaching of Citizenship

The means for remedying the situation that has been described above and for improving the civic preparation of the coming generations of citizens are at hand in the better schools. There is now available for the schools a large amount of reading material on the great social problems of the day. In many elementary and high schools libraries may be found the size and variety of which is amazing to the fathers and mothers of our children. Well-trained teachers have the child read an astonishingly large number of books. They do not read them, however, from cover to cover as in the old days, but with a view to getting information on some civic problem which the class is studying. The children bring together all the information on the problem which they have been able to find and discuss it in full in the classroom under the teacher's guidance. In this way the children not only learn to read books to get light on questions, as their parents now do when they read, but they also learn how to talk about these questions and get information from each other, as their parents do.

The better schools undertake to have their children visit the scenes of social problems for personal, close-hand observation. They attend the courts and legislatures, visit factories and fire departments, and watch the street-cleaning men and policemen at work. They organize their classes as courts, or as legislatures and try the cases or debate the public questions that are before the legislature at the time of their visits. Pupils are encouraged to study and to discuss even the controversial questions of the day. These, ordinarily, are the most important problems and because men's passions and selfish interests are involved, they need training in the fair discussion of such questions while still in school. Grown people often fear that children will become too angry or that they will get undesirable notions in the discussion of heated questions; but when this work is carried on under the direction of a competent teacher who trains the children to respect diverging views and to express themselves with courtesy—the situation is one in which the grown people could learn by observation to behave themselves better than they sometimes do under similar circumstances. The outstanding point, however, is that the youthful citizens are becoming interested in and are learning how to deal with the great social problems of the day.

Of equal importance with this work of the classroom is the opportunity that the better schools are giving pupils to learn how to work together in a cooperative way. The school is simply a small community of young citizens like the larger community of adult citizens. Like the adult community the school has numerous civic problems of its own and the pupils have a wonderful opportunity to gain first-hand experience with such problems by helping the teachers solve them. In many of the progressive elementary schools each room of pupils and their teacher have an organization which resembles a small city. The whole group acts like a city council and makes the laws which they are to observe in the daily life of the room concerning cleanliness, courtesy, honesty, safety, and order. They elect officers to carry out the laws and they

often try offenders before a court of their fellow pupils. In this way children early begin to learn how to live with and to respect the rights of each other, as well as the spirit of cooperation.

In the more enlightened high schools the student bodies are organized into associations which cooperate with the faculty in the government of the school. Each room, including the teacher and his pupils, is organized as a ward and each ward in turn elects a representative to the student council of the school. The student council legislates for the welfare of the entire school, supervises the extra-curricular activities of the pupils, and executes the rules regarding care and sanitation of the building. They help the faculty maintain discipline and improve scholarship, and show the courtesies of the school to visitors. They provide big brothers and sisters for entering freshmen and appoint courts to try violators of the rules of the school. All of this, of course, is done with the advice and supervision of teachers who are trying to teach pupils how to govern themselves. Faculties have learned that pupils can do many things as well, or better, than their teachers and that the whole work of the school goes on more effectively when the pupils cooperate in an active and intelligent way than when the teachers try to run the school without their help. The fact with which we are most concerned, however, is that pupils are learning how to participate in politics as adults by practical experience with self-government in the school. In this way the schools are relieving themselves of the reproach of being book-ridden and are training young citizens for the life of action.

When one attempts to estimate the significance of these modern reforms in the school's program of education for citizenship he finds ample grounds for the hope that the coming generation of citizens will be far better prepared to meet the responsibilities of citizenship in a democratic society than their fathers are.

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TRAINING FOR PUBLIC SERVICE

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We may define government as the political organization wielding the mundane authority of last resort in the area over which it holds sway. And for our purposes we may describe government service as the offices, elective or appointive, within the structure of that political organization. With this formality of an introduction accomplished, we can examine the subject more carefully.

A public official is primarily a servant, not a master, and as a servant his first duty is to his master, society. Unfortunately, all too often this master has a dissociated personality, has as many voices as it has interests and minor groups; but the public servant must turn a deaf ear to these rather discordant voices, save as they help him understand the command coming from society as a whole; save as they help him understand the command that should come through the political organs of the area in question.

Should Be Amenable to Popular Control

As long as we have democracy in form or in spirit, the broad policies of a government should be policies with which the citizens will agree, and the more detailed and minor policies should be in harmony with these broad policies. This means that the desires and needs of the public must be understood, for the public is not able to decide all detailed and minor policies, nor would it desire to do so if it could. Public officials must always decide the greater number of policies themselves, and they can do this wisely only as they understand what society wants—and what it thinks it wants, if there is any marked consciousness of a definite want, or of a need for means of satisfying the particular desire. There may be a conflict between what society really wants, and what it thinks it wants. The most competently trained administrators will know this conflict, and at times must be willing to carry out policies contrary to the expressed public will, but they dare not do this for long, for communities can learn to govern themselves only as they actually govern. And the most competently trained officials may now and then be mistaken. If the public desires are mistaken the public will learn its mistake if it is allowed to have its way, and a bureaucracy will not have acquired a taste for power which it may use less wisely in another and less justifiable instance.

Government officials should try to interpret their work to the public, as well as try to interpret the public for themselves. If the public receives sympathetic accounts of what its political agents are doing it will be possible to build policies upon more secure foundations, to make the policies mean more to society, and to give the responsible officials a better understanding of their tasks.

Heed Social Rather Than Individual Welfare

Keeping in touch with public opinion, being representative, is but one of the duties of governmental employees. It is just as essential that they under-

stand the basic principles at work in society. They must understand how the social organism is put together, for it is their function to minister to social health, as contrasted to individual welfare. By so doing they are ministering to the welfare of individuals indirectly, and they should minister to the welfare of individuals directly when such action is of special benefit to society. But the particular function is the care for society as a whole, not the care for individual sections of that society at the expense of the whole. An understanding of the factors which make this social life possible, that will make it most advantageous, and that hinder its expression, becomes indispensable.

The competent official will not only understand something of the complexity of principles at work, and at play, in society—will not only understand something of the interdependence of groups, areas, classes, of the stabilizing tendencies of organization, or the conflict of interests, for instance—but he will know something of the effects of checks and controls on various phenomena. He must know something of the effect of various actions on the well-being of multitudes, must be able to calculate the resultants of proposed policies on forces already operating. He must be able to do this because most of the individuals working in society are relatively little interested in the social effect of their efforts, but are primarily interested in the profits that their action brings. The viewpoints of a movie director and a welfare director may be, and often are directly opposed, for instance. Or the viewpoints of the manager of a munitions factory and the secretary of state. One class of men knows something of the effect of policies on private profits, another should know their effects on social security.

Understand Social Trends

Implicit in the requirement of an understanding of society is the need for an understanding of trends. Requirements of today will not be the requirements of tomorrow, and unless tomorrow's requirements are anticipated they may be difficult to meet. Agencies which fill today's needs will be in the way tomorrow, will be a barrier to progress and a hindrance to success, unless they are modified to keep pace with a changing order. Institutions tend to ossify, or to run on their own momentum, and governments are no exception. An effective government needs sensitively alert officials, officials who will be able to satisfy new needs as they arise, and who will be able to anticipate and direct the development that brings these needs. The problems of city zoning, of road construction, of sanitary developments, for instance, can be solved only if they are faced before and not after needs become insistent.

Officials Need to Be Technicians

We are not yet through describing our paragon of understanding. He must be able to act as well as think. It will be of little avail to society if the men in office know what should be done but are helpless to do it. Technical ability is almost as essential as a creative sense. The government employees must know the means at their disposal for meeting demands, they must know the amount of money available, the effectiveness of that money when employed

through the various agencies at their disposal. They must know the ability of the organization to function when faced with unusual situations. They must know how much can be secured from the tools at their disposal. They must know what improvements are being made in the machinery which they use, what improvements they can adopt, what improvements they need. They must understand the principles of the technique they are using, as well as the ends for which that technique has been developed, and be able to command that technique for present needs, and to modify it in line with developing and future requirements. And they must always be master of the technique, they must never let the technique master them.

Let us sum up the attributes our ideal official will need in order to fill his post with the most satisfaction to all concerned. We have pictured the model official as being representative, in touch with society; as being alert, progressive; and as being efficient, master of his tools, not mastered by them. He understands people, and society, is not satisfied with the past or the present; he knows the mechanics of his trade. He is representative, alert, efficient.

And this means training.

Acquainted with Social and Economic History

That training must put particular emphasis upon a study of social situations, economic, emotional, institutional factors in local, national, and international life. Causes of actions of men and groups, not dates or uncorrelated facts; communities, not a chronology nor a directory, should be studied by the novice. He should learn how interrelated even the primitive peoples were, and what contributed to their growth, and to their decline, what their good points were, and their weak ones. He should learn how constant has been change, and how few were those who proved able to resist the tide, how fortunate were they who could accommodate themselves to new conditions, and even mold those new conditions to a degree.

The study of social conditions should become more intensive as it becomes more intimate, when the attention is directed at present-day phenomena. The actual dependence of one group on another should be understood; the need of the farmer for the city worker, of the industrialist for the banker, or the miner, or the locomotive engineer. He should know something of the dependence of his section of the country on other sections, and of all on foreign markets and resources.

Nor should the study stop with economic phenomena. Ideas, traditions, organizations, are as important as the phenomena upon which they play. The Great War was not caused by economic phenomena alone; it came as the result of the attitude men took towards a changing order. The attitude of farmers toward diversification of crops, the preference for advertised brands, the desire for conspicuous consumption—modes of thought, all important in their influence on economics. Social modes of thinking must be understood, along with other phenomena.

Government should be studied as an agency for influencing life. It should be studied as a factor contributing to the present organization and functioning of society, and as an agency which may be used to influence and aid that society. Each office should be studied in relation to the need it should fill, to see how it fills that need, how it might fill the need, and if some other arrangement would do the work better.

Study Government—Institutional and Functional

The government should be studied from the standpoint of its organization, too. The functional and institutional studies can not well be separated, nor should they be. But it is worth the space to insist that neither be studied without the other.

Various institutions represented in the government should be studied from the social point of view, rather than from the point of view ordinarily found. The lawyer who is planning to become a city solicitor, or an attorney general, should study municipal law, administrative law, tax law, tax principles, bill drafting, and other branches of legal knowledge, from the standpoint of the community. He needs to know the rights of the state, rather than the best methods for organizing corporations; he needs to know the effect of clemency upon criminals, rather than the most effective way of creating sentiment for his client. Or the engineer who plans to enter municipal service needs to know what method of assessing for water will distribute the burdens most equitably, not the method that will bring the largest returns; he needs to be able to forecast the future water needs, and know how to insure the purity of the supply, as well as its adequacy and reasonable cost. Law, science, medicine, nursing, all the professions, every post in the service, need this special slant.

This understanding of society, this sympathy for social needs, can not come from books, nor from professors who know naught but books. The training that fits men to be representative, alert, and efficient servants must be a training that brings them in contact with the society that they are going to serve. It must be a training engineered by men who know society at first-hand as well as they know their books and their theories. It must be a training that fits theory to practice, and compares practice with theory.

Concrete Experiences Needed

This training will include practical experiences which will put content into the studies. The student should visit factories, slums, jails, courts, water works, libraries, council meetings, political gatherings of all sorts, and know them as something more than so many chapters in a dull book. Nor will such observation be enough, even though it is interpreted. The preparation should include analyses of practical problems. If a student is working on methods of zoning, he should be given the task of zoning some nearby locality. The more real his task can be made, the better it will be. If he could be required to get the consent of the groups affected, if possible, and the approval of those in authority, with the needed legal action by the proper

officials, the study would be almost ideal, for he would know something of the inertia to be overcome as well as the theory to be applied in a given situation. And he will understand the books he is reading and the lectures he is attending on the subject as he could not possibly have otherwise understood them—for all such efforts should be under the guidance of the training institution, and made to correlate with work done inside its walls. Such efforts should be made with the sympathetic knowledge, and aid if possible, of the local government officials.

Field trips, field studies, even field activities are not enough, when combined with the theoretical training, to produce our ideal official. A period of apprenticeship, under the watchful care of the training institution, and with the sympathetic interest of the governmental agency with whom the student is working, is needed to complete the formal training. If he completes such a period of training and probation satisfactorily, understanding the people for whom he is going to work, thinking in terms of the society for whose service he has been trained, and knowing the tools he is to use, he should be able to prove himself worthy of his hire.

This broad outline is an ideal, but it is not all theory. It is a theory that is being applied by many training schools in many countries.

The German System

The German system of training, for instance, lays great stress upon the practical studies, the apprenticeship, and the social nature of the theoretical studies pursued. The system carefully selects those whom it will allow to enter the government service, and trains these select few with considerable care. Only those who are at the very top of their Gymnasium class, 1st or 2nd, (cf. Professor Patterson's article in the March 1926 *Social Forces*) may enter the service. And these must attend seminars twice a week, listen to lectures chosen by the Magistrat, and by higher members of the service, and pass regular examinations. Failure to pass the examination means delayed promotion, so the initiates have a good incentive to continue their studies.

If a German desires to rise very high in the government service he must enter a University, or one of the professional training schools (cf. Fitzpatrick, *Experts in City Government*). The equivalent of a doctor's degree is required in many of these posts. And even here training has not stopped, for there are special professional schools for the training of experienced officials of the higher grades for still further promotion. These courses continue the social nature of the training given previously, emphasize the duty due the Nation rather than the duty due any group in the Nation (save as class prejudice creeps in, as it does), and gives further technical training with emphasis on the needs that will be faced by men working in responsible positions for great communities—not for corporations or special groups. Such courses as governmental rights; the police power; social questions; school and sanitary administration and legislation; resources of the country; road law; efficiency in government; public works; relief of the poor; building regulations and administration; are offered. One who passes the examination is assured of a lucrative

and honored position for life. The reward, both of money and prestige, is there; the training schools are there; the apprenticeship period is long; all that is lacking is a responsiveness to public opinion. Of that German bureaucracy has but little. The unfortunate nature of that lack need not be dwelt upon here.

In France, England, and United States

The story is similar in France. Professional schools, examinations, professional requirements for entrants, life-long tenure, etc., are present there, too. But again the representative nature is lacking. It is present to a greater degree in England, though even there the training is secured more through the apprenticeship than through the University. Certain social and some professional courses are offered, and the University of London has just launched a special school for such professional training. But as yet most of the men learn the profession as lawyers used to learn theirs. This method has resulted in a somewhat more stereotyped form of administration than is found in Germany, though the tendency has been somewhat alleviated by the slightly greater susceptibility of the local administration to public desires.

The United States is a law unto itself, or rather, many laws unto itself, in the training of government officials. Insecurity of tenure, uncertainty as to promotion and pension, inability to transfer from city to city, or bureau to bureau, low salaries, insufficient honor, and a lack of public demand for efficiency, have kept down the number of men desiring special training for public service. Consequently the schools offering adequate training have been few, and these poorly equipped.

This relative indifference to efficient government has not been the result of slovenly habits of mind, but rather the result of our necessary preoccupation with economic questions. The country has been rather busy developing the West, changing from an agricultural to an industrial nation, developing commerce, and eliminating slavery. Most of these things have required industrial and financial more than political leadership. The greater rewards of business have tended to attract the more ambitious and capable men, while the extreme democratic theories of government, precluding permanent positions or substantial salaries, have repelled competent men from government posts and have prevented the growth of any demand for trained officials.

A Growing Demand for Trained Officials

But this situation is changing. The very growth of business is making a strong non-business agency necessary. The complexity of organization makes imperative a skilled government staff to preserve the peace so necessary to modern business, to provide the education necessary to the conduct of even the simpler financial maneuvers, to care for the health endangered by the newer forms of living, to maintain a balance between the growing institutions. The very business which relegated politics to the background is now pushing politics into greater prominence. The growing importance of politics to busi-

ness and to society is causing an increase in the opportunities open to trained government employees, as well as an increase in facilities for the training of candidates for the service.

According to Professor Patterson's count, in the June, 1926 number of *Social Forces*, there are some 33 colleges and universities in this country that are offering courses in administration. Eleven are in the east, the same number in the middle west, three in the south, three in the southwest, and five in the west. Of these 33 many are combining the theoretical with the practical, and several are giving the social background that is so vital. Some are guiding the student through periods of apprenticeship.

Universities Teaching Public Administration

In Michigan, for instance, projects are worked out in the classroom in connection with the Detroit Bureau of Municipal Research. Definite problems in nearby communities are studied, reports are written, and results achieved. Similar work is done at Western Reserve under Professor Hatton. Field work with the government of Cleveland, and with the county and state government, and with the Chamber of Commerce, the Civic League, the City Club, and other civic organizations, is part of the program. Cincinnati is combining theoretical and practical work in a rather unusual way, and Antioch is sending students into organizations to work as one of the force at regular intervals. Wisconsin, Columbia, New York University, Georgetown University, the University of North Carolina, and others, are doing pioneer work in this field.

Syracuse University may be taken as an example of what the most forward-looking universities are doing in this direction. Combined with social and theoretical political studies courses in General Organization and Management, Personnel and Supplies, Finances—administration and control, Public Safety and Welfare, and Public Works, are given. Examining the courses in this last list alone, that of Public Works, we find studies on streets, their construction and maintenance; courses in traffic problems, sewers, street cleaning, waste collection and disposal, water supply and distribution, and others. Nor are they simply courses. Practical studies on the spot are a part of the program, and the work is done with the cooperation of the College of Applied Science and Business Administration, and the staff of the National Institute of Public Administration of New York. A written report on some field research is part of the preparation, and before finishing "the students are required to spend three to six months as assistants in some government department." Field observation, field work, apprenticeship, are all combined with the theoretical work and the social viewpoint.

The New York Training School for Public Service is the present outstanding development in the attempt to provide professional training for government officials. Each entrant is assigned a short study in the field to test his ability to get at facts and to meet men of practical affairs. On the basis of this test more difficult work is given, or the student is requested to withdraw. The later field work assigned is given on the basis of individual ability, rather than on the basis of a formal procedure, and each student is

under personal supervision. The theoretical studies fit in with the practical work, and the academic standards are as severe as those of any good university. Dr. Beard says of these standards that "one year spent at the Training School is equivalent in discipline and academic training to a year spent in any university with whose graduate work I am acquainted," and that academic training is in addition to the practical field work.

Students who finish the work in such institutions as the School of Citizenship and Public Affairs at the University of Syracuse, or at the New York Training School for Public Service have a training that will fit them for service in American governmental units as well as those who are trained abroad are fitted for service in their countries. These students are alert, efficient, and representative. May their tribe increase.

THE WOMEN'S PROGRAM FOR NORTH CAROLINA

MARY O. COWPER, Durham, N. C.

When the women of North Carolina were granted the suffrage, they found at the first election afterwards that the method of voting was so cumbersome, slow, inefficient, and conducive to fraud and disorder that the franchise was worth very little. And so the fight for the adoption of the Australian Ballot System was begun by the women, adding their forces to those men who have been interested in the change for a number of years. One regrettable fact is, however, that although men have been interested in it for years, many now consider the Australian Ballot a "woman's measure" and oppose it for that reason. A bill sponsored by the Legislative Council of North Carolina Women has been introduced at each recent session of the General Assembly and each year has been lost. But there is much encouragement this year. In 1925 a very poor law was advocated,—one which would have provided privacy at the polls and a "blanket ballot" but not much else. It was lost in the House by one vote, and that because two friends had been called to the lobby on false messages. In 1927 a carefully prepared law was proposed which would have as nearly eliminated danger of fraud and error and disorder at the polls as laws can do. Ninety men in the House and a safe majority in the Senate had stated definitely that they would vote for the Australian Ballot. But the bill was too good. A poor law could have been passed but politicians who profit by the herding in of votes could not see a change to an honest system where only official helpers or "markers" could be in the polls and they sworn not to influence the voter. Furthermore, the same politicians did not want any improvement in the absentee law. There were many compromises made by the advocates of the Australian Ballot but they stood fast on the heart of the system,—a fair method of assisting voters,—and so the bill was lost, men pledged to vote for the bill changing at the last minute. But the women preferred to lose a good law rather than win a poor one, and as one newspaper headline put it "they have just commenced to fight."

Eight-Hour Day for Children

The measure which has brought more attacks against the women than any other and more slinging of epithets of "bolshevist" etc., especially against the League of Women Voters, was the request for an eight-hour day for children under 16 in mercantile and industrial pursuits. In 1925 only one vote was obtained in the Public Welfare Committee of the Senate, and the women, some mentioned by name in the speech of the opposition, were accused of receiving money from Russia to cause them to advocate the bill. Between 1925 and 1927 there were many public and private attacks on the women most prominent in advocating the law and when it came to the hearing before the Public Welfare Committee of the Senate many men who were asked to speak in favor of it refused to come on the ground of inexpediency. But there were advocates there and five members of the committee spoke and worked for it and got it before the Senate on a minority report. It was tabled, amended, brought back

and passed. The speeches made against it seemed to win votes for it. After all, few people will say baldly and coldly that it is good for a state, or permissible in a progressive state, for children under 16 to work 11 hours a day and 60 hours a week in factories and an unlimited number of hours in stores and other places. The bill as passed gives this much protection—no child under 16 may work after 7 at night or before 6 in the morning; no child under 16 who has not completed the 4th grade may work more than 8 hours a day in stores and factories and most other occupations. Though the "attainment as well as age" bill sponsored by the Parent-Teacher Association and backed by the entire Council was lost, this law now requires some attention to education before working certificates are given. At the next General Assembly the League of Women Voters and probably the Council will work again for the bill as originally presented.

Notice of Marriage

The "Notice of Marriage" law, advocated by the women, is an attempt to put the emphasis on the sanctity of marriage and the importance of thinking about marriage rather than on the evils of divorce. The women hold that requiring a two weeks' notice before a marriage license is issued will tend to prevent "Ford marriages," help protect innocent girls from bigamy and help to make more enforceable the physical examination law. They hold that the state now considers marriage its business as it requires a license and becomes responsible for unfortunate children. The speeches made in favor of the bill by a prominent doctor, banker, solicitor, and several ministers were convincing. However the bill was lost, one hardly knows why except that education has not yet been sufficient.

Correctional Institutions

The Legislative Council asked also that the state take over the Industrial School for Negro Girls at Efland and care for these children as it cares for the white girls and boys and the negro boys. The school is already in operation—the inmates all being sent there by Juvenile Court Judges under court order. The so-called "economy program" which is strange in its applications and non-applications, prevented the passage of the bill, but a substitute one which grants \$2000 a year for maintenance for the institution did pass, largely as a tribute to Mrs. Bickett.

The provision for a farm colony for women offenders older than those received at Samarcand was worked for, not only by the Council but by the superintendents of public welfare and many judges and solicitors who see the great need for it. Again the "economy program" was put forward by the opposition, though the fact that these women have to be and are being provided for in an inefficient and more expensive way, was brought out. A substitute bill did pass which provides for the buying of a suitable farm site and the building of an administration building. So it should be ready for a maintenance appropriation and an additional building appropriation by the next General Assembly.

Survey of Women in Industry

One additional measure—the most controversial of all—has been worked for by the League of Women Voters, a number of Young Women's Christian Associations, and the Federation of Women's Clubs for the last four years—that is, a scientific survey of the working conditions of women. The women have not considered this a matter for legislation but first asked the Child Welfare Commission and then the Governor to order and provide for the survey. It seemed only logical, efficient and businesslike and the women thought that the director of the survey should be a trained person who would know what should be done and that the field workers should be men and women with experience and scientific training in research. The survey was ordered by the Governor in the summer of 1926 but when the Women's Survey Committee found that only a simulated study without honest and scientific executive direction was being planned, they protested and the survey was discontinued by order of the Governor. The women cannot yet understand why experts are used in studying the budget system, in education, health, and other fields, but cannot be used in studying that most vital of all fields, the working conditions of the girls and mothers of the state. And the women will continue to work for the kind of study that is needed, never accepting a pseudo report, far worse and more dangerous than none at all.

Many things the women of the state want, but the formal program as described in this paper they consider the most immediate and most distinctly the "Program of Progress" for North Carolina—as important as good roads and other material signs of advance.

THE SHORT BALLOT

ALVIN S. KARTUS, Buncombe County

Within the last twenty-five years there has been a movement on foot, sponsored by a certain progressive element in American politics, calling for a fundamental revision in the organization of state and local government in this country. It has been popularly termed a movement for the Short Ballot. The term "Short Ballot" is only a surface designation for a deep and fundamental change. The shortening of the ballot is merely the means by which the desired improvements are to be accomplished. In brief, there are proposed a great reduction in the number of elective officials; appointments of the minor governmental officials by the chief executive or executives, as the case may be, and direct responsibility of the executive to the people for the administration of governmental affairs. The recall by the voters of elective officers is offered as an additional means of enforcing their responsibility to the electorate.

In the early years of the American republic the activities of the state and local governments were limited and there were but few offices. These offices were usually very important ones, and therefore elective. At that time there were no elaborate party organizations. A candidate, through various means, put himself before the community, and campaigned for votes among practically his entire electorate. Due to the smallness of the community, most of the voters knew the candidates. In due course of time the voter went to the polls. No elaborate ballots were prepared. He scratched down on a blank piece of paper, from memory, the men whom he wished to place in the few offices which were to be filled, or declared his vote before the election officials and others assembled. Each voter made up his own list, in his own mind, as a result of his own private opinions. Under such a system some writers claim that we had a much more real democracy than at present.

Jacksonian Democracy

But the country grew rapidly, and it had begun to be noticed that there were too many governmental functions for the existing number of officials to handle adequately. There was really a necessity for some reorganization to take care of the increased business. It was here that Jacksonian democracy, formulated, no doubt, with the best of intentions, made its bow. It was generally agreed that there should be more offices, but the puzzling question was should these new offices be filled through popular election or executive appointment. Jacksonian Democrats took up the fight, campaigning well for their theory of real democracy, which in two words was "elect everybody." The theory was perhaps sincere, but it was short-sighted and failed to take proper account of simple facts of human history and of human nature. So well did Jackson expound its principles that a universal cry went up to put men in office who were *directly responsible to the people*. Democracy! Direct responsibility! Representative government! It was an enticing appeal to the masses of the people unskilled in political science. Jackson's political philosophy took

so well that the people were not content with electing to the newly created offices, but they went to the utmost limits of their opportunities and took officers who were doing perfectly well in subordination to responsible executive superiors and made them go before the people every few years for election. Sheriffs, coroners, bailiffs, labor commissioners, educational commissioners, judges—all. It made no difference how small the job was, the people had to preserve liberty (which was in no special danger at the time), and the lengthening of the ballot was their way of doing it. Their theory was that political liberty varied directly with the length of the ballot. But does it?

It was hard to foresee, and millions still do not see that increasing the number of simultaneously elected officials was sufficient to change the whole principle of representative government. It was impossible for them to anticipate the gigantic growth of our country. Electing all government officers might have worked all right in the early part of the 19th century, when there were not so many to elect, and the communities were small enough for everyone to know each other personally, or through adequate heresay. Today, with a population much over a hundred million, and with such a great increase in the number of elective officials, it is impossible for any voter, other than a political specialist, to vote intelligently. So the change that Jacksonian Democracy was responsible for was radical and fundamental. It established a system under which representative government became an impossibility. As Richard S. Childs has put it: "It was like lengthening the sword till it became too cumbersome for the soldier to wield—thus actually disarming him." From that day until this, the United States has not had a true democratic form of government, but an unworkable, impractical imitation that cannot be intelligently maneuvered by the masses.* From that day until this we have been laboring under a system of "democracy" that is dictated by bosses. We have, through necessity, become as bossed and as bereft of leadership and individualism as a flock of sheep.

Long Ballot Prevents Intelligent Voting

You may very well ask how this innocent-appearing change from appointment to election of officials could have effected so great a revolution in our whole system of democracy. This change can be easily traced. As our country grew, population increased, we kept on making new officials for each new function and made them elective by the people. The ballot grew to such an extent that it wasn't long before we were asking the people of Chicago to vote intelligently on over 6000 nominees in one single primary. We asked the people of New York to fill over 500 elective offices within a four-year cycle.* No more than three weeks ago, in an off-year election we asked the people of Raleigh to fill 53 offices.

When we ask for intelligent voting under such circumstances, we are asking for the impossible. A voter goes to the polls to cast his ballot and the chances are that of the many offices to be filled, he knows little or nothing about any of the men running except the few heads of the ticket—the mayor,

*Childs: *The Short Ballot*.

the governor, the senator, and perhaps the congressmen. These men are known in the communities; they have made their speeches, which have been reported in the dailies, reviewed in the weeklies, and commented upon in editorials. The electorate has had a chance to compare the nominees man to man, and under such conditions a man can vote intelligently. But the trouble is that these major offices make up but a very small portion of our ballots. The ballots are crammed with the names of men running for minor, inconspicuous offices of which very few voters know the duties. The men running for these offices do not campaign among the entire electorate, nor is any appreciable amount of literature printed about them. Newspapers have neither the space nor the interest to devote to such offices. As a result, those voters who still have enough interest to go to the polls look over the stack of ballots that are handed them and realize that they don't know enough about the candidates to vote intelligently; so they vote only for the head of the ticket, or blindly vote for the whole party list. As far as they are concerned, their duty is done, and they really have done about as near to their duty as the system allows.

It is the long ballot that causes our blind voting. Under our present system there is not one man out of ten, aside from political specialists, who knows the essential facts concerning more than twenty per cent of the men that he votes for in a regular election.

It is interesting to note a little incident that occurred in a primary election some few years ago in the small town of Winthrop, Massachusetts. The people were voting in a primary election. The Progressive Democratic party put up a partial list but omitted to name anyone for representative in the general court. One unknown voter, in order to complete his ballot wrote in the name of James O'Connell for the general court. Inasmuch as no other nominations were made, this one vote constituted the highest number of votes on the ticket for the particular office. The Secretary of State accordingly had this name printed on the official ballot for the district. "James O'Connell" received 735 votes in the regular election, and thirty-seven more in Winthrop than the regular Democratic nominee. When the returns were in, it was discovered in the town clerk's office that no such person as "James O'Connell" existed. Yet 735 men voted for "James O'Connell" and he received 37 more votes than one real man. Popular Government!

Long Ballot Aids Machine Rule

There have been numerous cases where absolutely corrupt men have been put into office. The people have wondered how such men have got by the voters. They have wondered if it is possible that the people have picked out such officials. As a matter of fact, have the voters really elected them by popular choice? If the voters didn't pick them out, somebody must have picked them out by hand-appointed methods. That's what has been done. That's the principal purpose of political machines; they tell the voters whom to elect and the boss is simply the engineer of the machine. Our ballots are long and cumbersome, and the political bosses know that they can slip faithful party workers into minor, inconspicuous offices without having the voters question

the merits of the men. The party managers give these jobs to those who work actively for the party success, and who constitute what is commonly called the machine. The machine is thus manned with workers at the public expense.*

We are not just coming to realize that our offices are filled by party machines through the party bosses. Thirty-five years ago the people came to the realization of this fact. They realized that if the voters were really to select the officials they must have something to say about who is nominated. So the direct primary reform swept the country. This, they thought, would do away with bossism. These primary reforms, however, have not done all that was hoped of them. It was found that the candidates selected by the machine won even in the primary. The reason is obvious. There are as many offices to vote for in the primaries as in the general elections and probably more men running. Here we have the same trouble as before the direct primaries: too many offices and too many candidates for the voters to vote intelligently. In the primary they vote the big machine ticket—the ticket that carries the name of the men whom they wish to place in the conspicuous offices. Thus we have practically the same results as we had before the direct primary. Only instead of voting the straight party ticket as is done in the general election, we vote the straight big machine ticket.

The connection between the long ballot and misrepresentative government can be easily established. By voting the long ballot blindly (the only possible way to vote it) we entrust large governing powers to easily contaminated organizations of political specialists, and we must expect to get the kind of government from them that would naturally proceed from their trusteeship. Democracy? No! A perfect oligarchy!*

America should not and will not be content with such a system of misrepresentative government. Childs grasped the crux of the situation when he said, "We cannot hope to teach or force the entire citizenship to scrutinize the long ballot and cease to vote blindly on it. The Mountain will not come to Mahomet; Mahomet, then, must go to the Mountain. There are two things we must do:

"*First.* We must shorten the ballot to a point where the average man will vote intelligently, without giving more attention to politics than he does at present . . . the test for shortness is to inquire, when a given number of offices are filled by election, whether the people vote blindly or not on any of them. For if they begin to require tickets ready made for their convenience, they are sharing their powers with the ticket makers, and democracy is fled.

"*Second.* We must put on the elective list only such offices as are naturally conspicuous. The petty offices must either go off the ballot and be consolidated under a responsible appointive power, or they must be increased in real public importance by added powers until they rise into such eminence as to be visible to all the people. Why should 50,000 voters all be asked to pause for even a few minutes apiece to consider the relative qualifications of Smith and Jones for the petty post of county surveyor?

*Childs: *The Short Ballot*.

"That candidates should be conspicuous is vital. The people must see what they are doing; they must know the candidates—otherwise they are not in control of the situation, but are only going through the motions of controlling."

The Federal System

Our national government was saved from the throes of Jacksonian democracy only because of the difficulty of amending the constitution. It has its short ballot and it has its democracy just as it did at the time of the founding of the Republic. It has retained its original features in spite of the enormous increase in its functions. It is the most democratic and most efficient piece of governmental machinery that this country can boast of. The people vote but twice for national officers within a cycle of four years, and then they fill only the offices of president and vice-president combined, United States Senators, and a member of the House of Representatives. The president appoints the Federal judges all over the United States, marshals, district attorneys, cabinet officers, army and navy officers, postmasters, etc.—over 500,000 all told.

We find a different story when we review the governments of the various states. As a general rule, we find that the governors have but very little power, the minor administrative officers and judges being elected by the people. Aside from the fact that we have good reason to believe that political favorites are rolled into these minor offices through elections, there are logical reasons why these minor officials should be appointed by the governor. We hold the governor of North Carolina responsible for the administration of the affairs of the government, but in fact he is not responsible. For we not only elect him to administer the affairs, but we also elect ten other state officials who are responsible to the people and in no way responsible to the governor. There is nothing that requires them to adhere to the policies of the governor. It is optional with them whether or not they shall be in harmony with him. Governor Cameron Morrison and Corporation Commissioner Maxwell had a controversy several years ago. It was neither just nor reasonable that we should hold Morrison responsible for Maxwell's policy—yet we did.

It would be far more satisfactory if North Carolina elected a governor, lieutenant governor, and auditor only. Then, and only then, will we have a truly co-ordinated and responsible government. Let the governor appoint his secretary of state, his insurance commissioner, his labor and printing commissioner, etc., just as the President of the United States appoints his cabinet, then we may correctly refer to our present administration as the McLean administration, and may hold Governor McLean responsible for any act of omission or commission by the executive department. The reason for electing the auditor is to have a direct check from the people on the finances of the state.

North Carolina State Ballot Too Long

It is interesting and encouraging to note that the North Carolina Legislature that meets in January, 1927, is slated to consider shortening our State Ballot. Whether to continue under our present system of electing our state and

county judges is still very debatable. Two things are certain, though. There is no logical reason why at least some of these minor judges should not be appointed by the governor. It is also a fact that the appointment of United States judges by the president has proved to be very satisfactory. On our ballots, the judges are really considered as minor officials, and there is very little intelligent voting in reference to them. It is held by a great number of voters in this state that we would obtain a higher class of judicial officials if we would take the office out of active politics and allow the governor to make judicial appointments by and with the consent of the legislature. It is truly a question worth studying.

I can readily foresee a question raised in the minds of most of you. What assurance have we, you ask, that the executive will not appoint men equally as unfit as those elected—appoint men to whom he owes political obligation? Ex-president Taft, once, in discussing this question said, "Yes, I know that you might have a bad governor, and if you are working on the principle that you are going to have a bad governor, and therefore you ought to shackle him and put handcuffs on him, then you won't get any government at all. I don't agree with the theory that because a bad man might get into a position of responsibility, where in order to do the people's work he has got to have the power, that with the power he might injure the people, therefore you ought to withhold the power—I don't agree to that at all. I think that if you do, we will have an ineffective government. . . . I am opposed to an insurance so heavy against dishonesty that it interferes with efficiency."

Even though a governor might use his appointive power to his personal advantage it would not be as bad as it is at present. Somebody, we rarely know who, practically appoints minor officials now. It would be a much wiser policy to have them appointed by a recognized, legally constituted authority, than to have them hand-picked by a self-established, unofficial and unknown gang of politicians. But there is no reason why we should go to such an extreme. Let us, rather, take the ordinary case. Under the Short Ballot system, we elect an executive with the complete understanding that the executive responsibility of the government is centered in him. The campaigns will be directed wholly towards the men running for this office. Under such a system the people can and will know more about the men for whom they are voting. They realize that the whole administrative department of the state rests in his hands, and they will be doubly sure to elect a man of character, ability, integrity and trust. Such a presumption is logical.

Now let's take up the proposition from the side of the governor elected to the position. He comes into office with the complete understanding that he is the chief executive not only in name but in actual reality. He is responsible for the administration of the affairs of the government, and he realizes that if the affairs are not administered properly, he is the only man to whom the people can come to demand an explanation. He realizes that if he can't give a satisfactory explanation, there is the recall, the whip that the electorate holds over his head, the use of which will mean his political death. Is it not

logical then to assume that the governor will appoint such men as will administer the affairs of the commonwealth in such a manner as to reflect credit upon his administration?

It is not claimed that the Short Ballot is a panacea. Under any system unfit men are bound to trickle in sometimes. They have in our national government where the Short Ballot principle is carried to the nth degree. But let's notice what happened to them. You will recall the recent scandals involving Secretaries Daugherty and Denby. These men might have been honest and sincere, the country was not absolutely certain. Nevertheless, the electorate was dissatisfied with their work, which appeared a little shady. Who was the first man blamed? —Harding for appointing them and Coolidge for retaining them. No search was necessary to find the blame. The public was not interested with the men themselves. They merely placed their finger on President Coolidge and asked him to render an account. You will recall that both of these gentlemen suddenly resigned and more fit men were appointed in their places. That is the Short Ballot at work.

The Case for a Uni-cameral Legislature

Practically speaking, the Short Ballot principle extends to the revision of the legislative branches of our state government. If the bi-cameral form of legislature is useless or detrimental, then the Short Ballot principle should be applied and a one-chamber system substituted. Many progressive political scientists hold that a uni-cameral legislature is the better.

The original purpose of a two-chamber legislature was to assure proportional representation. The lower house represented the majority and the upper chamber represented the aristocratic, moneyed interests which, of course, were the minority. But now class distinctions have become politically extinct in most of our commonwealths. So the principal effect that bi-cameral legislatures have today is to give the majority an even stronger control over state government.

However, there are still reasons for the retention of the bi-cameral system. Its supporters claim that it checks tyranny to have two houses checking each other, and it prevents hasty legislation. These views, however, are not shared by all. The more modern view seems to be that bi-cameral legislation does not do this. As for the prevention of tyranny, they claim that the courts have been effective agencies for preventing the encroachment of the legislature upon other departments. It is debatable whether we need such a check as an upper house. The general theory seems to be that if the upper house agrees it is unnecessary; if it objects, it is a nuisance. The division of the legislature into two houses is of less consequence in serving as a check than the division of each house into committees. Statistics prove this. Those bills that are voted down by each house are usually very minor ones, for important legislative decisions are usually made in party council; so there is little or no check when both houses are controlled by the same party, which is the usual case.

A bi-cameral organization does serve to slow up legislation, but is this always desirable? If we elect but one house, would they not tend to be more deliberate in their actions?

Each house does kill bills originated by the other, but this is not in the interest of the public in many cases. A favorite and much employed trick of legislators who wish to avoid the adoption of popular legislation which is objectionable to them, is to procure the introduction in each house of different measures ostensibly designed to accomplish the same purpose. Each house can pass its own measure and kill that passed by the other. Every legislator who needs to placate public opinion can vote for one measure and help kill the other. Thus the majority in each house can go on record as favoring the bill, vote for it, and yet prevent it from becoming a law.

Former President Wilson once said that in none of these states is the process of legislation a straightforward thing of simple method, single unstinted power and clear responsibility.

Bi-cameral legislatures are passing, especially in Europe. England's system is bi-cameral in name only—the House of Lords having practically no political power. Seven Canadian provinces have uni-cameral legislatures. It is the progressive movement. American states are moving in this direction. Not only will it reduce the number of men on the ballot, but we could well afford to pay the members of the one house larger salaries, which will mean that we shall be financially able to induce better men to run for legislative offices.

The Example Set by the Cities

During the last thirty years practically every city of any importance has shortened its ballot and simplified its government. It is gratifying to note the progress that North Carolina has made in this direction. In very few of our cities do we have anything resembling our old cumbersome and large boards of Aldermen. A large number of our cities now have the small commission form of government, the more progressive even changing to the real short ballot form of municipal government—the commission-manager plan. In this system the people elect a commission composed of public-spirited citizens, and this commission appoints a city manager, who runs the business of the city, appoints all minor officials and is responsible to the commission. The improvement in the government in those cities which have adopted this plan has done more than any other thing to prove to the people just what the short ballot will do.

Mr. H. S. Gilbertson has referred to county government as "the devil's political masterpiece." In many of our counties we still elect our constables, clerks of court, registers of deeds, coroners, sheriffs, and our cumbersome boards. There seems no apparent reason for electing such officials. It only tends to make our counties a safe ambush for petty politicians. The same thing can be done for our county government as has proven so beneficial to many of our municipalities: namely, the unification of powers; the election of a few good men who shall be entirely responsible for the affairs of the

county. Let's take the loose joints dangling around independently, and attach them to a principal, unified body. Then, and only then, shall we have orderly and efficient county government.

If we are to have good government, if we are to have representative government, we must have a government that fits in with the moods and habits of the people. The people have refused to give cognizance to the minor offices, which has led to general inertia and misrepresentative government. The long ballot does not work; its rule is machine rule, and machine rule is not democracy. If it is democracy that we want, we must ascertain how much civic work the people are willing to do, and plan our government accordingly. The only way that we will have government by the people in reality is to simplify government sufficiently for the average voter to maneuver it intelligently. The long ballots prohibit this; it is the politician's ballot. It is the Short Ballot that is the people's ballot.

ELECTIONS AND ELECTION PRACTICES

PAUL W. WAGER

The ballot is more than a piece of paper. It is the symbol of liberty. It is the instrument through which popular government may be realized. It is a priceless heritage gained little by little from the time King John made concessions to the nobles at Runnymede until President Wilson proclaimed the Nineteenth Amendment in 1920. The franchise is a sacred privilege and a solemn trust, yet many appear not to esteem the privilege or to respect the trust.

The older political scientists named three departments of government but modern scholars have listed a fourth one which always exists in a democratic state but strangely has escaped notice until recently. I refer to the *electorate* which is really more basic than the executive, the legislature, or the judiciary. It is through the ballot that the electorate finds expression. The electorate not only names the governmental officials, but indirectly through the selection of a legislature and an executive it controls or influences the policy of government. So powerful and so constant is the influence of the electorate that legislators have learned to keep an ear close to the ground. Through the initiative and referendum the electorate shares directly in shaping governmental policy. Not all states have the initiative and referendum in the fullest sense but in every state constitutional amendments are referred to the people and in most states questions involving bond issues. The ballot is therefore more than an instrument for filling public offices; it is, or may be, the means of controlling governmental policy. When the voter casts his ballot on election day he is in reality acting as an officer of government, and upon the proper performance of his duty depends the effectiveness with which government is conducted.

The Task of the Voter

The task of the voter has constantly increased. In the development of popular government there has been a steady tendency to multiply the number of officers to be voted for directly by the people, and also to multiply the number of questions submitted for the direct expression of popular approval. There is now a growing sentiment for a shorter ballot, but in only a few states has much been accomplished in that direction. The short ballot is one of the most necessary reforms in the field of government and one of immense potentialities. The question has been ably discussed at a previous meeting, however, and need not be given further attention at this time.

An effort has been made in some states to simplify the task of the voter by reducing the number of elections. In Pennsylvania and Ohio constitutional amendments have been passed virtually limiting elections to one each year. This is a doubtful gain if the number of candidates is not also reduced. A more satisfactory method is to lengthen the term of elective officers. In New York a full state ticket is elected every two years, and members to the lower house of the legislature every year. A proposal was made in Oregon a few

years ago to elect state and county officers for four-year terms but not both in the same year, nor in presidential election years. Thus, for instance, county officials would be elected in 1925, Congressmen and possibly judges in 1926, state officers in 1927, and presidential electors in 1928. This system was not adopted but it has considerable merit. Oregon has introduced one feature, however, which helps to lighten the burden of the voter. Before every important election a pamphlet is printed and circulated at the expense of the state, or city if it is a municipal election, with a biographical sketch of each candidate and a brief statement of his platform.

Machinery of Elections

To register the will of several million voters in a state or national election is an enormous task. In the presidential election of 1920, the first under full woman suffrage, nearly 27,000,000 votes were cast. In 1924 the number was nearly 30,000,000. While the total vote is somewhat less in off years the task of operating the election machinery is nearly as great.

For election purposes voting precincts have been created. The size of precincts is determined by the number of ballots which can be cast and counted conveniently. A precinct usually has a voting population of from four hundred to eight hundred. In this state there must be at least one precinct in each township. Ordinarily the precinct constitutes a registration area, though in some urban communities registration at a central place is required. Judges and clerks of election are appointed for each precinct, and it is their duty to attend to the registration of voters, conduct the elections, count the votes and make return to some central board or office. Later the votes are canvassed for the whole area in which the election takes place. In most respects the election machinery in North Carolina is not dissimilar to that in other states. In a few particulars the arrangements in this state are not satisfactory and certain practices prevail which do not become a great and aspiring state.

State Board of Elections:—The machinery for the conduct of elections heads up in a state board of elections consisting of five members appointed by the governor for terms of two years. Not more than three of them can be of the same political party. They meet on the first Monday of July, of the even years (1924, 1926, etc.), and elect one member chairman and another secretary. Subsequent meetings may be called by the chairman or by any three members. The principal duties of this board are to prepare and distribute the ballots for state elections, supply the county boards with such books, blanks, and stationery as they may need, compile and tabulate the returns for each candidate for a state office voted for in a primary election, and appoint and remove for cause the members of the county boards of election.

The Governor and four members of the State Board of Elections constitute the Board of State Canvassers, whose duty it is to examine the returns received from the several counties and conduct a public canvass in the hall of the House of Representatives. They are then required to make an abstract, stating the number of legal ballots cast for each candidate, the names of all

persons voted for, for what office they respectively received the votes, and whom they ascertain and judicially determine by the count to be elected to the office. They shall then cause the result to be certified to the Secretary of State, who shall issue a certificate of election to each person elected to a state office.

County Board of Elections:—There is in each county a county board of elections consisting of three persons appointed biennially by the State Board of Elections. Not more than two members can belong to the same political party, and the state chairman of each political party has the right to recommend three electors in each county, and it is the duty of the state board of elections to appoint the county board from the names thus recommended. Appointments must be made not later than August of election years (that is, the even years).

The county board of elections meets on the seventh Saturday before each primary election and organizes. Subsequent meetings may be called by the chairman or by the other two members. The principal duties of the county board are: (1) To establish, alter, discontinue or create election precincts as they deem expedient, provided any change is duly advertised; (2) To change the location of polling places provided they give proper notice of such change; (3) To order from time to time a revision of the polling book or a new registration for any precinct; (4) To requisition the state board for such books, blanks and stationery as may be necessary for the registration of voters and the holding of elections; (5) To appoint a registrar and two judges of elections in each precinct. One judge is appointed from each political party from a list of three names submitted by the county chairman of each political party. The law requires that the judges shall be electors of good moral character and able to read and write. (6) The county board of elections may remove any registrar or judge of elections for incompetency, failure to perform the duties of the office or for other satisfactory cause. (7) The chairman of the county board of elections, or other returning officer, is required on or before the fifth day after an election to transmit to the proper authority in a registered letter or otherwise, the election returns for each candidate. He shall also issue a certificate of election to each successful candidate for a county office.

Qualifications of Voters

The following classes of persons are excluded from the electoral franchise in this state: (1) Persons under twenty-one years of age; (2) Idiots and lunatics; (3) Felons, unless they have been restored to citizenship in the manner prescribed by law; (4) Persons unable to read and write any section of the Constitution in the English language to the satisfaction of the registrar. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any state in the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered upon the permanent record for registration prior to

December 1, 1908. (5) Persons may be temporarily disfranchised if they have failed to register or if they are unable to meet the residence qualification. The latter requirement is a period of one year in the state and four months in the election district. Removal from one precinct to another in the same county shall not operate to deprive a person of the right to vote in the precinct from which he has removed until four months after such removal.

Only such persons as are registered are entitled to vote in any election. It is not necessary for a person already registered to appear in person each year to renew his registration, but only to appear when new registrations are called for. The law requires that the registration books shall be opened at nine o'clock on the fifth Saturday before each election, and closed at sunset on the second Saturday before each election. On the three Saturdays during the registration period the registrar is required to be at the polling place. On other days he may register voters at his home. Immediately after any election the registrar and judges of election are required to deposit the registration books with the clerk of the Superior Court.

Absentee Voting:—There seems to be considerable confusion as to the scope and application of the absentee voting provision in the election law. The law is not perfectly clear. The privilege applies to two classes of voters, and two only. (1) Those who are absent from the county, know in advance that they will be absent, and apply for a certificate to be signed, witnessed and returned with their votes on or before election day to the registrar. (2) Those who are physically unable to come to the polls and who, in sending their ballots or votes, accompany them with a physician's certificate.

There are several features of the law that are indefinite. It is not clear, for instance, whether the privilege extends to those who become sick on election day or only to those who are sick for a period before election and request the ballots and certificates in advance. Apparently those becoming sick at the eleventh hour would not be debarred under the law, provided their ballots are returned accompanied by a physician's certificate and the voter's certificate before three o'clock on election day.

Absentee voting is more complicated and more susceptible to abuse than would be the case if we had the Australian ballot. Then only one ballot would need to be sent, the voter would mark it, seal it in an envelope, and there it would remain until the envelope was opened at three o'clock on election day. As it is now two kinds of certificates are provided. When the ballots are sent out the accompanying certificate reads, "I enclose herewith ballot or ballots which I wish to vote, etc." The other form of certificate is used when no ballots accompany it and reads, "I hereby cast my vote for each nominee of the _____ Party." It is this latter form which can be most easily manipulated for mischievous purposes. It is no trouble for party workers to secure a quantity of these blank certificates before election and bring them in on election day marked with the names of persons supposedly unavoidably absent from the county. As a matter of fact the names may be those of persons already dead or removed from the county, but whose names have not been

purged from the poll list. In one county in a recent election more than four hundred absentee votes were counted; some of the persons voted did not exist and few of those who did exist were consulted.

Not only is it easy to circumvent the law with the use of Certificate B, as it is called, but also with Certificate A which is accompanied with ballots. The ballots, or what we dignify by calling ballots in this state, are printed in profusion by local printers and are easily available before election to those who might have use for them.

The abuses which have attended the operation of the absentee voting law have led many to the conclusion that absentee voting should not be permitted at all. I do not share this view. There are thousands of students, teachers and traveling salesmen, a group of citizens above the average in intelligence, who would ordinarily have to forfeit their votes if absentee voting was discontinued. This would be unjust, undemocratic and unnecessary. What we do need is a law similar to that in New York State, through which I have on several occasions enjoyed the right of suffrage. About two weeks before election I would go before a notary public, wherever I happened to be, make affidavit that I would be unavoidably absent from my home county on election day, and request a ballot. (Of course the Australian ballot is in use there.) I directed my request to the chairman of the county board of elections. In a few days I received a ballot, marked it and returned it to the same official. On election morning when the ballots were delivered to the several precincts of the county the ballots of absentees still sealed were delivered also. Toward the close of the day the envelopes were unsealed and the ballots, without being unfolded, were deposited in the ballot box. Rarely in a precinct were there more than two or three ballots so cast, sometimes not any.

As soon as we get the Australian ballot in this state the absentee voting act should be redrafted. It should permit none to vote except those who make affidavit in advance that they will be unable to come to the polls on election day. Their ballots should be returned through the mails and everything approaching voting by proxy should be taboo.

Conduct of Elections

Regular elections take place on Tuesday after the first Monday in November of the even years. The registrar and the two judges of elections in each precinct are responsible for opening the polls and superintending the election. The law requires that—

the polls shall be open from sunrise until sunset and no longer, and each elector whose name shall appear registered shall be entitled to vote, unless he is successfully challenged for good cause on the day of election. A space of not more than fifty feet in every direction from the polls or rooms in which the election is held may be kept open and clear of all persons except the judges, registrar, and election bailiffs herein provided for, which space may be roped off with a narrow passage leading to and from the polls, and each elector shall approach the polls from one direction through such passage, and after his ballot is deposited in the ballot box, with as little delay as possible he shall depart by the passage leading from the polls. Only one

elector shall enter the said passage at a time, and after the elector has entered, no one except the registrar or judges of election shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak or to make any signs to anyone except the registrar or judges of election until his ballot has been deposited in the box and he has passed out of the enclosure. The said roped space shall, at all times during the hours for balloting, be kept open and clear of all persons except the election officers as aforesaid, and it shall be the duty of the election bailiffs to keep such space so cleared and open: Provided [here comes the local option clause] that nothing herein contained shall make it compulsory for the judges and registrar to rope off said space.

Anyone who has attempted to vote in this state knows that the condition at the polls is utterly disgraceful. One need not expect quiet, dignified, honest elections so long as we have an open ballot. Until I came to North Carolina I did not know that there was a state in the Union which did not give its citizens a chance to cast their ballots in secret, and I sincerely hope that the Australian ballot will be adopted at the present session of the General Assembly. I do not believe we can stand the shame any longer. But I shall speak of the Australian ballot in a minute. I want to say a word more about conditions at the polling places. A recent election in a neighboring county is described as follows:

In some places the profanity and evidences of intoxication were such that women could not stay there. At other places, workers for one of the candidates were insulted by supporters of the other, the effort and purpose being to start fights and destroy the ballot boxes. In one place the poll holders were threatened. . . . At another precinct ballots were rudely snatched from the hands of ladies who were waiting their turn to vote, and insulting remarks were made by hirelings.

A part of another report, describing practices in another county, reads as follows:

Voters were permitted to sit out in automobiles, mark tickets to be sent in to the ballot box and deposited without identification. One of the poll-holders at said precinct was under the influence of liquor and all during the day was discourteous to voters and constantly intimidated and tried to molest voters who wanted to vote for another candidate than the one he was supporting. He constantly gave out erroneous information as to the number of votes cast and did all that he could to obstruct, intimidate and brow-beat those voters who did not agree with him.

From what I hear from old voters I gather that the elections are much more dignified and more honorably conducted than was the case a few years ago. I was told in one mountain county that until recent years an election was characterized by a drunken orgy, that people brought their guns when they came to vote, and that it was a tame election if there were no fatalities. We may be thankful that such conditions no longer exist. In most precincts the state over the elections are free from rough practices. There is still a general lack of dignity and orderliness. This will come with a secret ballot, with elections conducted at the schoolhouses, and with a good quota of women serving on the election boards.

The Secret Ballot

Nothing is more repugnant to a citizen from another state than when he votes for the first time in this state than to have someone looking over his shoulder while he votes. But that is not all the insult he suffers. He enters the polling place expecting to find the voting process as simple as it was at home. I can speak from personal experience, for I was never more surprised nor indignant than when I went in to vote for the first time in this state. Nobody mistreated me, nobody tried to intimidate me, in fact everybody was very solicitous. That is what irritated me. I felt very much the same as I do when I alight from a train in the Pennsylvania terminal and a half dozen red-caps offer to relieve me of the suit-case which I have resolved to carry myself. I was determined to vote without assistance and for the candidates whom I had previously selected. I had learned in advance, too, that there were six ballots to be voted. I had forgotten for the moment that they had to be sorted out of twelve or more. Before me was a small table containing some ballots of every kind and the pile thoroughly shuffled. It took me several minutes to sort out the tickets I wanted to vote. In fact, it took me so long that I quit with five of the possible six. I had several offer to help me but I declined all assistance. I wanted to violate party regularity in one instance but a man was watching me so closely, and I didn't know which party he represented, that I resorted to a clever trick. I picked up one Republican ticket and one Democratic ticket, shifted them from one hand to the other several times and then slipped the one I didn't want to vote back into the mixed pile on the table. I know that he failed to follow my sleight of hand and doesn't know to this day which ticket I voted. But that method will not work if there are several names on the same ballot. Then you must resort to pasting on names if you wish to scratch your ticket, and no one unless he is a real magician can be deft enough to fool the onlookers in that process. Such is voting in North Carolina. Nobody tried to influence me. Everybody was kind and courteous, but too curious to make me feel comfortable.

The Australian Ballot:—Now a few words in regard to the Australian ballot. Its name has created the impression among the unlettered that it is something mysterious and complicated and foreign to our institutions. It would be better simply to refer to it as a secret ballot for that is all it is. As its name implies, it originated in Australia. In the early history of that continent the population included many gold-seekers, bent upon gain, and a large class of criminals. The elections were exceedingly riotous, and open voting invited danger. Out of this condition a secret ballot was proposed and adopted in 1857. The system spread rapidly. It was adopted by Tasmania and New South Wales in 1858, in New Zealand in 1870, and in England in 1872. The honor of enacting the first Australian-ballot law in this country belongs to Kentucky, and the act was enacted in February, 1888. The act applied only to the city of Louisville, because the state constitution required *viva voce* voting at state elections. In May of the same year Massachusetts passed an act that was statewide in its application. Since then all the states except

North Carolina and Georgia have adopted the Australian ballot in some form on a statewide scale. It is in use in twenty counties in this state and in several counties of Georgia, but not in its perfect form.

I assume that everyone here knows what is meant by the Australian ballot so I will not attempt to describe it in detail. In brief it has six important features: (1) All ballots are prepared by state officials and none but the official ballot can be used in public elections; (2) the manner by which candidates can be nominated is regulated by statute; (3) ballots are distributed only by sworn election officers stationed within the polling-place on the day of election; (4) the form of the ballot is prescribed by law and all ballots are uniform in any precinct; (5) ballots must be marked by the elector in secret, and deposited so that their content cannot be seen; (6) the entire process of the preparation, casting, and counting of the ballots is regulated by statute, and any violation or abuse of this law can be corrected by an appeal to the courts.

I do not know that it is an essential feature of the Australian ballot to require the ballots to be numbered serially and every vote accounted for, but it is the practice in New York state, and a very desirable practice. This does not mean that an individual's ballot can be identified after being deposited in the ballot-box. The number is on one end of the ballot and is torn off and deposited in a separate box from the rest of the ballot. When a voter receives a ballot the number of the ballot which he receives is entered opposite his name on the poll list thus it is possible to tell just what persons voted but not how they voted. The number of persons voting must agree with the number of ballots used. If a voter tears or defaces a ballot in the process of marking it he may receive another ballot, the damaged ballot being deposited in a box for the purpose. When the polls are closed the ballots are counted and the total number of ballots voted, plus the spoiled ballots, plus the unused ballots should equal the number of ballots delivered to the precinct.

The voter, upon arriving at the polls, gets in line and awaits his turn to enter the enclosure in which the election officials sit. There are three or four voting booths in the enclosure, and only as many persons are admitted at one time as the number of booths. The citizen goes first to the poll clerk and gives his name. The poll clerk looks to see if he is properly registered. If so he calls out quite loudly the man's name and his registration number. This is so anyone who so desires may challenge his right to vote. He then passes to the ballot clerk who hands him a folded ballot, at the same time calling out the number of the ballot which is recorded by the poll clerk. The citizen then enters a vacant booth, spreads out his ballot, marks it with a pencil provided for the purpose, refolds his ballot, comes out of the booth, and hands his ballot to an election official (in New York they are called inspectors) who tears off the stub and deposits stub and ballot in separate boxes. The man who has cast his ballot unhurriedly and with complete secrecy then immediately leaves the enclosure and another person is admitted. Outside the enclosure it is quiet and orderly. No electioneering is permitted within a hundred

feet of the polls. Sample ballots are available for perusal but they are printed on a different color of paper than the official ballot so there is no chance to exchange them.

The argument is sometimes advanced that the Australian ballot is complicated and difficult to mark without error. This is sheer nonsense. It is a much simpler process to mark an Australian ballot than to sort out half a dozen ballots from a pile as is necessary in North Carolina now. It is true that a person must be literate in order to mark an Australian ballot without danger of error, though it would not be difficult to instruct an illiterate person how to vote a straight ticket. In New York State an illiterate or infirm person may call for assistance from the election officials. He selects his own assistant, thus insuring a man of his own party. If he wants to vote for candidates of both parties and is not willing to trust one official of either party he may call for an inspector from each party to enter the booth with him. In some states only the disabled are allowed assistance.

It is claimed that in some of the counties of this state where the Australian ballot is in use the illiterate voter has had to choose his helper from among a selected number, all of whom have been, in some instances, of the same party. This is a violation of the whole spirit of the Australian ballot and the party which will encourage and condone that sort of tactics is eternally disgraced. If a state-wide Australian ballot law is passed it is important that it guarantee to the illiterate, the aged and the infirm voters impartial assistance. Illiterates who have become of age since 1908 should be disfranchised.

Forms of the Australian Ballot

With minor differences there are two types of ballots used under the Australian system of voting—the office-group type and the party-column type. In the first, known as the Massachusetts form, the candidates for each office are placed in a box or rectangle under the name of the office. The names may be alphabetical according to surnames or the names may be arranged in the order of party strength, the party in power occupying the first place. As many blank spaces are left at the bottom of the list as there are places to be filled. This is so the voter may write in names if he desires. The names of the candidates are usually, but not always, followed by the name of the party. Sometimes the party emblem also appears, though not often.

The party-column, or Indiana, type of ballot places all the nominations of a party under the title and device of such party. Sometimes there is a circle at the head of the column, and a mark in the circle is a vote for the entire ticket. A mark in one party circle accompanied by marks after the names of candidates in other columns means a vote for all the candidates of the first party except the individuals specifically marked. The politicians like to have the ballot carry the party circle but it discourages independent voting and is thus undesirable. It is also a concession to ignorance to carry the party emblems, but they will probably remain for a long time yet. In New York and in most other states the eagle is the emblem of the Republican

party, though it is represented in Kentucky by a log cabin, and in Michigan by a picture of Lincoln. The Democratic vignette in several states is a game cock or rooster in the act of crowing; in New York a star, in Delaware a plow, and in Michigan an arm holding the national flag. The minor parties have a variety of emblems.

The Massachusetts ballot has been criticized on the ground that it takes too long to mark the ballot, gives the advantage to the candidates whose names appear first, discourages voting for the minor offices, and breaks up political parties. Most of these criticisms emanate from the politicians. The office-group form is, to my mind, superior to the party-column form for the very reason that it encourages independent voting and leaves no doubt as to the voter's intention.

Conclusions

In conclusion let me say that election practices in North Carolina are a reflection on the good name of the state and an insult to the intelligence of the people. We have no right to boast of our democracy, nor even to call this a democratic country, until every qualified elector can express through his ballot his deliberate opinion with none to molest or make him afraid. I do not believe we can have democracy in its fullest and best sense until we provide a system of minority representation on all administrative boards and proportional representation in all legislative bodies. I do not believe that we can have real democracy until merit rather than wealth becomes the criterion of eligibility to political office. I do not believe we can have effective democracy until the rank and file of the people are intelligent enough to recognize and annihilate every demagogue that dares to raise his head. It will take more than a clean election and an honest ballot to produce a successful democracy, but these must be our first objectives. Let us insist on these six minimum requirements:

1. Men and women of ability and character on the county boards of election.
2. Frequent purging of the registration lists.
3. A more restricted absentee voting law, and that rigidly enforced.
4. Clean, comfortable polling places with intelligent men and women in charge.
5. Rigid and impartial application of the literacy test.
6. A state-wide Australian ballot, preferably of the Massachusetts variety.

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COUNTY GOVERNMENT

RALPH W. NOE, Carteret County

The intimate courthouse studies of about thirty counties in North Carolina, which were sponsored by the Institute for Research in Social Science, have revealed a surprising lack of uniformity among the several counties; officials have different duties, certain offices have been abolished and others installed, the forms of government are not even the same, there being three outstanding ones in the state. This in itself would not be distressing if the people in each county were being served to the fullest by their form of government and were getting in each instance a maximum return for money collected and expended. But such is not the case. Especially in fiscal management is there evidence of inefficiency and waste amounting almost to criminal negligence.

The county in North Carolina is the creature of the Legislature. It can be created without deference to the wishes of the people affected, and may be regulated to the minutest detail by any law which the Legislature sees fit to pass.

Is it not reasonable, then, to suppose that we may look for the underlying causes of this inefficiency and waste in the relationship which exists between the county and the Legislature? In this paper I shall attempt to show that relationship, indicate where the fault lies, and make certain suggestions.

The Constitution of 1868 is fairly rigid in its definitions of county officers and their functions. It provides for the election biennially of a treasurer, a register of deeds, a surveyor, and five commissioners, and gives them the power which in many cases they still exercise. But Section 14, Article VII, added as an amendment to the Constitution in 1875, takes away from the county practically all rights under the Constitution, and leaves it, as someone remarked, not only the creature, but also the victim of the Legislature. This amendment, depriving the counties of final control in local affairs, was passed as a reaction to the shocking effects of negro rule in some of the eastern counties during the Reconstruction Period. Of course the conditions which brought on its passage have now disappeared, but the amendment remains.

Multiplicity of Special Acts

By first one special act and then another, under this amendment, the board of commissioners has been shorn of nearly all its power granted under the Constitution of 1868. Separate boards, in some cases elected by the people, attend to highways, education, welfare work, and public health. The commissioners themselves usually have a shorter tenure in office than these additional boards over which they were supposed, under the Constitution, to exercise control and fiscal management. Under this scheme, if the board should demand monthly reports, as it must do if it is to keep a proper check on the county's business, it could easily be repulsed by the auxiliary boards, who would simply say, "We were placed in office by the same electorate that placed you in office, and you have no control over us."

The special acts have come in such a deluge on the counties in recent years that any attempt to collect and codify all the laws relating to even one county would prove to be a difficult task. And yet, how can the Commissioners understand the county they are trying to govern without such a code?

To give some idea of number, there were 8,274 public-local laws affecting county government passed at eight regular and four special sessions of the Legislature between 1911 and 1925. The count covers 6,558 county government laws passed, 310 of them repealed, 15 of them re-enacted, and 1,391 of them amended, usually at the following session. An average of 83 laws per county were passed, repealed, re-enacted, and amended in twelve years. This average is greatly exceeded in some counties. For Robeson County, 147 were passed during this period. These are scattered through the volumes of the session laws and, so far as we know, there has never been any attempt on the part of any county to collect its quota of the stupendous total.

What do these laws deal with? They may do anything from authorizing a township bond issue for the erection of a school building to settling the amount of salary the sheriff's wife will receive for serving as cook in the county jail.

The following are the captions of a few representative laws passed at the session of 1923:

Laws Dealing with Forms of Government

381. An act providing for the appointment of financial agents for the County of Scotland.
408. An act to create an auditor and tax commissioner for Iredell County.

Laws Dealing with Fiscal Management

411. An act to require official bonds of county officers in Brunswick County to be executed by surety companies.
384. An act to increase witness fees in the Superior Court of Surry County.
363. An act to require the officers of Dare County to publish an annual account of all monies received and disbursed by said officers.

Miscellaneous Laws

86. An act to compensate the sheriff of Avery County for the capture and delivery to the county commissioners of any still.
178. An act to prohibit the exhibition of carnivals in Rockingham County.

One-Man Legislation

The insidious thing about these laws is not the number, as great as that may seem. Their greatest evil lies in the fact that a law regarding the purely local affairs of any county can be passed merely on the instigation of the representative from that county, without the people of the county knowing anything about it. The senator of the district, unless his own county is affected, usually concurs. There is no debate on the measures—in fact there could not possibly be. The members pass one another's bills as a matter of

courtesy, and nothing is said about it. A representative, when so minded, could form allegiance with a special group in the county and inflict an injury on the people of his county, during the last days of the session when hundreds of bills are rushed through, that could not be repaired for two years. Some years ago, a representative from an eastern county tried to get through a law forbidding the fishermen of his county from selling their catch to hucksters from outside the county. Quite frequently a board of commissioners issues bonds without a vote of the people, and hastens to have the representative get through a special act validating the issue, which removes any question of legality.

This practice of a foreign body tampering with the purely local affairs of a community is not in harmony with the political theory which was laid down by leaders in the state's history. Justice Merrimon stated in 1884, in the case of *White vs. Commissioners*:¹

"It is through them [the counties], in large degree, that the people enjoy the benefits arising from local self-government, and foster and perpetuate that spirit of independence and love of liberty that withers and dies under the baneful influence of centralized systems of government."

Using the system established by the Constitution of 1868 as a base, the Legislature has built on it such varied and different structures in the respective counties, that we would scarcely expect to find them in the same state. To give a general idea of the variations: in 1915 fifty counties had installed the salary system of compensation and fifty still retained the fee basis; in 1915 forty-one counties had abolished the office of treasurer, and forty-two had auditors or auditing arrangements.

To extricate themselves from this confusion, Buncombe and Jackson have had special acts passed enabling them to establish the commission form of government, modeled after the commission form of city government; and Alamance has adopted the county-manager plan. The three chief forms of government, then, in the state are the commission, the county-manager, and the old form which has nearly as many variations as there are counties.

Deficient Accounting

Obviously, with officers and offices being shifted about like checkers on a checker-board at every biennial session of the Legislature, any scientific budgeting of expenses is impossible. And so the only form of bookkeeping found in most of the counties is the cash-book system of receipts and disbursements of cash. This method is faulty in several ways. There is a very important distinction between a statement of receipts and disbursements and a statement of revenues and expenses. A statement of the receipts and disbursements of a county represents the collection of revenues and the payment of expenses, both of which may belong to a past or future fiscal period. A statement of revenues and expenses will show the ascertained income and expense for a certain fiscal period regardless of when or how collected and paid. The

¹ 90 N. C. 437.

cash-book system is a record of revenues, or other receipts, and expenditures that may belong to any fiscal period, instead of a record belonging to the period in which the revenues were collected and the expenses incurred.

To illustrate the difference between these two methods, the county sheriff is supposed to report each year's taxes in full before he is given the tax books for the next year. But it not infrequently happens that the new books are given him before a final report is made, and he then collects enough from his new books to make up the deficit on the old ones. It is obvious that under such a system, the county commissioners may close the year with their books balancing perfectly, but still with a deficit amounting to many thousands of dollars.

A more unusual illustration can be given in the case of the sheriff of Duplin County who, on completing his term of office, found \$3,600 more in his possession than he knew what to do with. Under the cash-book system, the commissioners never missed it, and the sheriff kept it for a year or two until an audit was made by certified public accountants.

The cash-book system is antiquated and unsatisfactory, and statements given the public on the basis of it are misleading and worse than no statements at all. Commissioners are vainly trying to manage county affairs from the paying end rather than the purchasing end. The attempt is seriously made to control expenditures by meeting once a month to audit the bills which are rendered for expenses incurred without their knowledge and consent. This sort of control is absolutely limited to the postponement of payment, which affords the false presumption that the power of directing the payment of a debt is the power of controlling the making of it.

Not only is the system of special laws which prevails today disorganizing to the counties individually, but the lack of uniformity among the several counties is perhaps even a worse evil. There is no general law requiring an audit of county books by certified public accountants, and, at the present time, such a law would be absurd, because the accountants would have to make the original entries in many of the counties which they visited.

It is impossible in a paper of reasonable length to set forth all the inefficiencies and mismanagement existing in the counties.

Report of County Government Commission

The Commission appointed by the governor to study county government reported that the following functions, which are necessary for the public welfare, are in some cases well, and in others, poorly, performed: (1) Maintaining unity in the official family of a county in fiscal management; (2) Preserving the taxables; (3) Collecting the revenue fairly and justly; (4) Safeguarding the revenue through proper accounting; (5) Safeguarding the expenditures through budget control and a central purchasing agent; (6) Protecting the physical property of the county; and (7) Providing properly for the administration of justice. It will not be necessary here to discuss these except as they relate to the study of county government laws.

Certain material advantages in uniformity can be pointed out without comment.

1. Uniformity would enable a State Board of Accountancy to render valuable aid to county commissioners concerning their forms of book-keeping and the forms of financial statements that they give the public.
 - a. A comparative study of these statements will determine which counties are getting the greatest return for their money, etc.
2. Uniformity would enable one to prepare a manual of the duties of county commissioners and a single code of county government law.
 - a. Ignorance of duties could not be an excuse for malfeasance.
3. Uniform accounts would enable the State Auditor to keep more accurate check on the bonded indebtedness of the counties, and to see that debts are incurred only according to law.
4. A uniform act would give to the Legislature opportunity to restore to the commissioners final authority in the fiscal management of the county, which they had under Article VII, Section 2, of the Constitution of 1868, and which has been found by practice to be the most scientific form of management.

The most imperative need is to stop the dangerous meddling of the Legislature in the governmental structures of the different counties. The only way to do this is to pass some sort of uniform county government law, drawn up in the light of the facts procured by studying the individual counties, and then let all or most of the counties be governed by it.

No change in the Constitution is contemplated, and none is necessary. The county, as any municipal corporation, will be the creature of the Legislature for a long time to come, but it need not be the victim of the whims and fantasies of its individual members. The Legislature can govern the counties just as easily, and much more scientifically, by one general law than by the thousands ground out at every session.

Recent Legislation

The Legislature of 1927, acting on the advice of the County Government Commission which was created by the preceding Legislature, passed four general laws of popular interest relating to county government. All four follow distinctly a liberal trend toward the simplifying of governmental functions. Their ultimate effect cannot be forecast, but it is safe to say that they will work considerable improvement on the present scheme.

1.

The County Fiscal Control Act

This act enumerates under nine heads the legitimate purposes for which county revenue may be expended; it establishes the office of county accountant and lays down the duties under it; and it provides for an annual budget to be drawn up by the county accountant and submitted to the board of commissioners before the beginning of the fiscal year.

Some effort has been made here to adopt the methods of modern accounting. Certain terms, such as "Surplus Revenues" and "Unencumbered Balance," are here defined and made plain, and the accountant is charged to "inform himself as to the best and simplest methods of keeping accounts."

The purpose of the act is stated in Section 24: "It is the purpose of this act to provide a uniform system for all counties of the state by which the fiscal affairs of counties and sub-divisions thereof may be regulated, to the end that accumulated deficits may be made up, and future deficits prevented, either under the provisions of this act or under the provisions of other laws authorizing the funding of debts and deficits, and to the end that every county in the state may balance its budget and carry out its functions without incurring deficits."

The law will have the effect of making the budget system operative in all the counties of the state. Those counties, however, which have a budget system provided by an act now in force need not abandon it in favor of this one.

2.

The County Finance Act

This law goes somewhat into detail as to the manner of ordering the issue of bonds by the commissioners, describes when and how bond and tax anticipation notes may be issued, and the requirements of taxation for their final payment. Twelve lawful causes for the issuance of bonds are mentioned; particular attention is paid to outstanding debts, roads, and schoolhouses. The time of maturity varies with the purpose for which the bonds are issued; in no case can it extend over forty years.

The board of commissioners is clearly recognized as the governing body of the county. They may in any case submit a proposed bond issue to a vote of the people, but shall not be forced to do so in the case of necessary expenses except when presented with a petition signed by fifteen per cent of the total number of voters.

A very definite aid to accounting will be found in the provision forbidding the commissioners to issue "tax anticipation notes" indiscriminately of the amount of taxes to be collected. A tax anticipation note cannot be issued, if, with similar unpaid notes, it shall exceed 80 per cent of the amount of uncollected taxes.

The act applies to all the counties in the state except Rockingham and New Hanover, which have special acts of an unusual nature. Severe penalties are provided for any failure on the part of the commissioners to carry out the provisions of the act. Being general, and receiving the attending publicity of a general law, the penalty provision will no doubt have the effect of strengthening the credit of North Carolina counties as a whole.

3.

An Act to Provide Improved Methods of County Government

A very significant clause in the preamble of this act will bear repeating: "Whereas, in the organization of the county government, it is intended that

the board of county commissioners shall be the central governing body, with the right to supervise and control the different departments of the county government."

The act has five divisions, which provide for the following things, respectively: (1) The County Commissioners form of government is defined as having either three or five commissioners who may be elected for two years each, or for terms varying from two to six years. (2) The Manager Form provides for a county manager who is the executive head of the county. (3) It is the duty of the commissioners, so far as possible, to unify the fiscal management of county affairs, to employ a central purchasing agent, and to care for the physical property of the county. (4) The County Government Advisory Commission is created (members to be appointed by the Governor), an appropriation is made for its maintenance, and its duty is defined as that of advising and assisting the various counties on request. (5) It is provided that all the general laws pertaining to county government shall be collected and codified by the Attorney-General.

The forms of county government here outlined are not compulsory. They may be adopted on petition of the voters and after a regular election.

The act will have a beneficial effect, in that counties wishing to make a change will have a pattern set before them, and in time this will lead to the state-wide use of only two or three well-known forms of government.

4.

An Act to Provide for the Collection of Taxes Within the Counties of the State and for Settlements of the Same

On or before the first Monday in October of each year the county commissioners must have prepared and placed in the hands of the sheriff the tax books for the next succeeding year. The sheriff must make a full report of the uncollected taxes for any year by the first Monday in May of that year; the land for which taxes have not been paid shall be sold on the first Monday in June, and the sheriff must make a full and complete settlement by the first Monday in July.

The very frequent evil of giving the sheriff the tax books for the next year before full and complete settlement is made for the current year will be practically done away with by imposing a penalty upon any commissioner who votes to do so.

This act is being contested in the Supreme Court on the grounds of being a retroactive law. If successfully contested, the decision will only cause the act to go into effect one year later than originally provided for.

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DISTRIBUTION OF THE TAX BURDEN IN NORTH CAROLINA

CORALIE PARKER

On being asked to prepare a brief treatise on the distribution of the tax burden in North Carolina I felt an inordinate commiseration for some college freshman upon whom a professor once inflicted this extemporaneous examination: "Your topic is The History of the Roman Empire," he announced. "The time permitted is ten minutes."

The subject of taxation even when narrowed to any one of the component parts of its sphere is too hard and complex for me to present more than a suggestion in this space for your contemplation. I shall not load your minds with a great many facts which you may get from any text book on Public Finance supplemented by governmental reports and documents, but I shall attempt to stimulate in you as individuals and as citizens a desire to become interested in and to think about the ever-increasing problems of taxation in this state.

Before beginning a serious discussion of the distribution of taxation it may not be inopportune at this point to inquire what is meant by a tax. Professor Seligman in one of his lectures on Public Finance expounded on a definition which possesses all the essential qualities requisite for a tax according to a majority of modern opinions. He affirmed that "a tax is a *compulsory contribution from persons to the government* to defray expenses incurred in a *common interest* without *reference to special benefits*". This idea of a tax with its attendant conception of justice emerges, as we shall observe later, "amid the clashing of divergent interests"¹ in society.

Evolution of Taxation

In the first chapter of his authoritative *Essays In Taxation* Professor Seligman surveys the history of the evolution of taxation. According to this economist there were five stages in the process of development from which our present system evolved. In primitive society the "first form of common contributions"² was evinced in "voluntary offerings"³ where each man felt the need of sustaining the "political and military organization by his own personal efforts."⁴ The needs of the king multiply. The "voluntary offerings" gradually become "compulsory contributions".⁵ Usually the poll tax was the first to take form. There was then no great disparity in wealth as we have today, with a wide gap between penury and opulence. Economic conditions at that time seemed to indicate a state of equality in riches which might have been comparable to that of the members of our modern class of society with inconsiderable incomes. A poll tax amid these circumstances was as closely approximated to the idea of justice as any other method might have been.

A second stage in the growth of the forms of taxation is discerned when private ownership of land began to come into existence. Two classes of society sprang up as a result of this, the landowners and the non-landowners. The

poll tax then could not with fairness be adjusted equally to these two forms of wealth. Thus another type of tax was called into being as Old Faust called Mephistopheles from the invisible to the visible realm. This was the land tax. In this stage land and agricultural property became the principal form of wealth—the possession of which was regarded as the true capacity to pay. Poll taxes would often continue with land taxes, or they might cease altogether.

As the social, political and economic conditions in society became more complex personal property was augmented. Merchants and traders, who probably had no land, were then viewed as proper subjects to participate in the burden of taxation. Agricultural property, sometimes called real property, began to be relegated to a place of secondary importance by personal property in the repertoire of the nation's stock of wealth. When this state of affairs became perceptible to the national conscience there ensued a tax on property other than land. This is the origin of the general property tax.

Gradually there appeared in society a class of people who received incomes but who had no tangible property in the above mentioned forms. To this class belonged the professional groups of every occupation. This class of people expended its income unreservedly on articles of consumption such as wines, spices, tobacco and tea. A reform in taxation with a view to placing some of the burden of its incidence upon this class of people resulted in the fourth stage, that of the taxation upon items of consumption. "It must be confessed that according to the experience of history most reforms, in finance at least, are due to selfish reasons; they are the necessary outcome of changes in economic relations and of the efforts of each class, whether it be the small or the large class, to gain some advantage for itself."⁸ If a person was able to indulge in consumable commodities of this sort he was able to pay something towards the upkeep of the state. There was a tax imposed then on spendings which were regarded as a fair measure by which to gauge ability to pay. These are usually known as the customs and excise taxes.

In the last stage the income tax appears. This tax is supposed to be borne by all classes of people with the exception of those who have such a small amount of income that it would cost more to collect the tax from them than the actual amount of tax collected would bring in to the treasury. It would be an additional disadvantage to impose a tax that lowered the standard of living below the minimum of subsistence.

The Search for a Just Tax

Running through all of the forms which taxation has taken there seems to be one idea common to each stage in the attempt to secure some kind of distribution suitable to all classes; this is the ethical idea of justice. Justice, of course, at one period of history might not be at all commensurable with justice at another period. A tax system must not only be essentially just, but it must be recognized as such by the people. Economic considerations chiefly determine the idea of justice in taxation. Although the distribution of wealth may be more or less fortuitous, the distribution of taxation might be said to

be "a matter of human institution, solely".⁷ Although the ethical concept of "right" seems to be the bone of contention for each age, when the question resolves itself about the distribution of taxation the solution of this problem must always remain in the financial sphere. Bastable assures us that "without a knowledge of the surrounding conditions and the effects of any given tax system the attempt to form a judgment respecting its justice is hopeless".⁸

Down through the ages there have been advanced many theories concerning the just distribution of taxation. Casting a glance at these we find that one of the older theories involved the idea of payment for state services. This effort to gauge taxes by the "amount of services rendered" has been abandoned almost entirely because it was based upon an erroneous idea of the state's character. Examples approximating a recognition of this idea may be seen in the payment of fees today. These are cases where the individual or group receives special advantages.

The idea of equal payment by all at one time came into vogue. This theory was applicable only to a primitive society in which all of the members were dependent upon the state for the basic conditions of social life. A highly civilized and complex society such as we have today could not recognize any justice in this theory. Besides being unjust it would be incongruous from a political standpoint.

Realizing the impracticability of equal taxation for all citizens we initiated the "faculty" or "ability" theory which is probably our most extensively accepted creed. This measure of ability has sometimes been converted into the "sacrifice theory", equal ability in this case meaning equal capacity for undergoing sacrifice. There is a slight difference in the use of the two terms. "Ability suggests the positive element of power to contribute, sacrifice the negative one of loss by contribution; the former is most naturally measured by some objective standard, the latter refers primarily to the sentiments of the people concerned, and is, therefore, rather subjective."⁹

Whether we stress "ability" or "sacrifice" as a rule for taxation we may attain very different results in practice according to the emphasis which is placed upon the various constituents. Bastable gives us his classification of the forms of distribution in the following account:

"We accordingly meet with three different forms of distribution, all avowedly based on the criterion of ability, and all claiming to realize true equality. These are: (1) pure proportional taxation, in which income is taken as the standard, and the amount of public burdens regulated by it; (2) qualified proportional taxation, where income is still the test, but is subjected to certain modifications, either by deduction of necessary expenses or by analysis of its component parts; (3) progressive or graduated taxation, which places a heavier rate of charge on large than on small incomes, since the ability of the subject is supposed to increase in a more rapid ratio than the increase of his income."¹⁰ The progressive method of taxation is usually regarded, in this age, as the rule by which to attain justice in the distribution of public financial burdens.

The principle, however, which most modern governments seem to adhere to appears to be that of taking money at any place in any manner that is easiest to the administration, and that is most prolific of revenue. If one goes to a show or rides in an automobile the government sees an excellent chance to collect revenue and impose a tax accordingly. After all, the practical aspect is very important and many things are done for the sake of expediency which our theories may condemn.

Tax Incidence

It is a difficult matter to ascertain the incidence, or "settlement of the burden,"¹¹ of these various taxes upon the ultimate taxpayer. This is the Gordian Knot in taxation problems. Professor Seligman tells us in his admirable book on *Shifting and Incidence of Taxation* that "the incidence of the tax is the result of the shifting and the real economic problem lies in the nature of the shiftings".¹² Through the process of shifting, then, the taxpayer may escape the weight of the tax. Although a person escapes one type of tax some other kind of tax is supposed to fall on him eventually. In other words, the tax systems are promiscuously devised with the vague intention that the burden may fall in some manner upon every citizen. In modern warfare an aeroplane flies over a city and drops several bombs with the hope that at least one or two of them may fall on the capitol building. This is similar to the method of imposing taxes on people. These taxes may or may not fall on the individuals or class which the originator of them intended to strike. Take taxes upon articles of consumption as an example. These do not always increase the revenue in proportion to the amount of tax assessed. History furnishes many examples of such a discrepancy occurring between the original estimate of what a tax should yield and what it actually yields when collected.

Certain essentials of life, like bread and salt, for instance, do not have their consumption checked or increased by the imposition of a tax. The demand for these articles is inelastic. Whether the price be great or small the same amount is consumed. Adam Smith says that, "consumable commodities are either necessities or luxuries".¹³ The demand for luxuries is usually elastic. When a tax is imposed on articles of this type it may result in a more or less rigid curtailment of their consumption. A heavy tax on cigarettes or soft drinks would have a tendency to raise the price and reduce their consumption.

In his striking book on *Current Problems in Finance and Government*, Sir Josiah Stamp shows the real difference between direct and indirect taxes: "A direct tax is generally reckoned to be one that is paid by the person who is intended to bear it, or by his immediate agent—*i.e.*, the income tax or death duties."¹⁴ Under this head he would also place the landlord's property tax, for, he affirms, "that is a specific deduction from rent which does not alter the amount of the rent but merely carries through the payment by way of agency."¹⁵ On the other hand an indirect tax "is one which is *intended* to be shifted in the price or by the alteration of the 'terms of bargain', as it has been put, so that it falls upon the ultimate user or consumer of the article

and not upon the first payer. Such duties, of course, include customs and excise duties and similar taxes".¹⁶ It might be stated differently, then, by saying that taxes which can be varied in amount in relation to the entire resources of a person, and also made larger or smaller in regard to different people, are direct taxes. Impersonal taxes, however, which bear no proportionate connection to the wealth of the consumer, the person upon whom they ultimately descend, are indirect. "So in indirect taxes the taxpayer is not permanently the tax-bearer, or he is not intended to be, and the shifting of the burden to another is expected and desired and perhaps even prescribed."¹⁷ This author thinks that the modern trend is towards the expansion of the direct form of taxation to the gradual exclusion of the indirect form. He thinks that this tendency is reflected in the administrative development, social, political, and economic life of our age.

Indirect taxes are placed upon items like sugar and coffee and are paid in duties when they are brought into the country. The wholesale dealer passes the tax on to the jobber who passes it to the retail dealer who in turn passes it on to the customer who is the consumer. The consumer then pays the tax although it is concealed in the price. This is one of the principal arguments for the use of an indirect tax; it is paid with the least objection of all taxes, because the public does not realize that it is paying a tax at all.

Objections to Indirect Taxes

There are several forceful objections to the indirect method of taxation which modern economists offer for consideration.

In the first place, an indirect tax, by the peculiarity of the nature of its imposition, can never be made progressive. The income tax can be made progressive, but a tax on sales can never be graduated so as to force the man who is more able to pay more tax. Then, too, an indirect tax will not bring much revenue to the state unless it is levied upon articles which are consumed by the majority of the people, such as coffee and sugar.

In the second place, an indirect tax often takes more money from the people taxed than is received in turn by the state treasury. In other words, much of it may be lost or absorbed in the process of collection. Suppose there is sugar imported through the Wilmington port. The entrepreneur cannot get the sugar out of the custom-house until he has paid the duties on it in cash. He sells this to another person, a wholesaler probably, who promises to pay a few months later. During the interval interest accrues on the tax which he has paid. He is obliged to add this interest to the price which he asks of the next buyer. This transaction is repeated until the sugar is finally sold to the consumer who pays the tax. Thus, a pyramiding of interest is paid by the taxpayer in addition to the tax.

In the third place, its incidence and effect upon the different classes is indeterminate. How many families ever determine definitely by examination the amount of taxes which they pay in this way each year? This is a fact which is impossible of recognition so long as we have indirect taxes. Suppose two men receive the same wages. One man has a family of six people to

support, while the other has only himself to feed. The family of six will usually consume about six times as much coffee as the single man. Although their income is the same, the expenditure of the man with the family is decidedly greater. His ability to pay taxes, therefore, is less, but by an indirect tax of this kind he pays considerably more.

Criticism of Estate Taxes

On the other hand consider direct taxation in its relation to our modern fiscal system. In this category are the income and the inheritance taxes. "Taxation may be equal as between persons of the same class but very unequal as between those in different classes. A large use of indirect taxes will press severely on the poorer classes of society; the income and inheritance taxes will fall chiefly on the rich."¹⁸ Consequently, the laboring class always favors a high rate of inheritance taxes because it never falls on this class. Often the argument advanced in favor of this tax is a socialistic one; that a re-distribution of wealth may be partially effected in this manner. Bastable says, "the taxing power has been often employed to encourage industry, to improve taste, to benefit health or to elevate morals but in none of the applications has the desired success been obtained. There is therefore a strong presumption against its use as an agent for remedying the inequalities of wealth. Its definite and universally recognized function is the supply of adequate funds for the public services".¹⁹ Be that as it may, there are other ways which might be more effective for this purpose than the inheritance tax. From an economic standpoint there are substantial objections to an estates tax.

In the first place it may be easily eluded. There are many schemes by which a person can evade these duties. One favorite device is dissimulating the estate by gifts. A man may have a large estate worth thousands of dollars. He may have several children or kindred or friends among whom he divides this estate before he dies. Since the inheritance tax is progressive and cumulative the tax would be higher by a considerable degree if he waited until death to let the estate pass out of his possession.

In the second place, there is no uniformity in the incidence of the estates tax. It depends upon the accident of death. Two men may have adjoining estates; the owner of one may die while the owner of the other may live many years longer. The estate whose owner died is attached for duty, while the one whose owner lives escapes this duty for a much longer period. Thus the family of the latter has the benefit of interest and other advantages which may accrue from a bulk of large capital. Many families suffer in comparison to others in this respect from the irregular effects of the estates duties.

In the third place the state can form no estimation from one year to another of the amount of revenue which the inheritance tax will bring. It is always taken at one time in one lump sum. No one can say when that time will come. Therefore, for one year its yield is liable to amount to a consider-

able item in the state's receipts, while the next year it may be comparatively negligible. A small tax placed annually upon this type of property would be more conducive to a smoothly working system.

By these arguments, I do not mean to imply that capital should not be taxed. On the other hand it should be made one of the chief sources from which to draw the revenue for the state. A combination of a tax on income and on capital would compel every one who is able to contribute to the upkeep of the government. In this decade general opinion does not exclude capital from taxation. Whether a person pays his taxes out of income or capital, would depend more upon the sum of taxes desired by the state and upon the burden which it places upon the individual than upon the form of taxation.

Tax Only Income and Capital

Since capacity to pay is the criterion by which we measure justice in taxation, what are the constituents essential to a just system of taxation? A person's ability to pay rests upon his net income and his net capital. Suppose the state should levy only a tax on income. Apply this supposition to two men who have the same incomes, but where one man has a considerable capital to supplement his income. On one hand here is a practicing physician; on the other hand an owner of vast fertile plantation lands. The incomes which both of these men receive may be identical in amount, but it does not require any acute intelligence to perceive that the owner of the land in this case is richer by the amount of his capital in real estate than the man who earns an income by his own personal ability. The latter's wealth would be his income, the former's wealth would be greater than his income. It would not be consistent with our present ideas of justice in taxation to tax both men simply on income. Then again, the capacity to pay cannot be determined by capital alone, for one person may have capital which affords practically nothing in income, and the other may receive an ample profit. In this instance the first man is less able to pay than the latter. Both income and capital then should be considered and used to obtain a basis for imposing taxes. Resources, liabilities, expenditures and income must all be considered before attaining a correct idea of what a person is able to pay.

The income tax attempts to arrive at net income by allowing each person certain deductions and by discriminating between those who have children and those unmarried. There is also the difference between earned and unearned income. To place a tax on income alone would not reach everyone. But an addition of a tax on net capital would complete the system. Each year upon a return of the amount of his income and the amount of his capital, a man might be assessed a given per cent on his income and so much per dollar on his capital. Deductions for general living expenses and for any special additional expenses during the year should be allowed on the annual income. This will show the net income desired for taxation. In the case of capital subtractions for mortgages and other expenses placed against capital should be made. The state could determine the required amount of revenue needed and place a tax in accordance therewith upon net income and net capital which

would fall directly upon the man who pays and who is able to pay. A tax system of this kind placed only on these two sources, correctly administered, would give a more equitable distribution of the tax burden than any one which we have yet had inflicted upon us. The extra cost resulting from the maintenance of a system of indirect taxes, the incidence of which no one can fathom, would be abolished. Instead of hoodwinking the consumers into paying numerous taxes of which they are ignorant, these two forms of direct taxes would make the cost of the upkeep of government to the people less, and each person would know exactly what proportion of his wealth was being absorbed by the government. Bastable says, "On the whole, and speaking broadly, taxation should be proportioned to revenue by which a fair approximation to justice and a convenient basis of working are supplied."²⁰ The person who pays taxes in the form of higher prices for "tax commodities" will know exactly what government costs him and will object to the waste which the system of indirect taxes necessitates. Each person would be taxed according to his *means* or his capacity to pay and not according to his manner of living.

There are some people who would object to this direct form of taxation being used entirely by saying that not every one would be contributing to the expenditures of the government. If an attempt is made to tax people who are subsisting at the margin, so to speak, then the tax will revert to others. This will only serve to lower the standard of living to such an extent as to be detrimental to society at large, or the amount which is taken from them in taxes will be retaken from the employers in higher wages and transferred to the consumer who is able to pay.

Better Understanding and Better Administration

In order to realize this condition in society it will be necessary to educate the majority of the people to the idea that taxes are only normal necessary expenses, to be calculated upon and included in everyone's personal budget. If the majority of people could only be shown and made to realize that they pay more taxes by an indirect method than they would by direct methods, then reforms in taxation could be effected.

There are political and administrative objections. If a taxation commission were composed of men representing every economic element in the state who were experts in the science of finance and free from political influences, the administration of this taxation system could be done effectively. With a commission of this type and an adequate system of accounting the government's finances could be run as efficiently as any successful private business concern.

A question awaiting solution is that of people moving in and out of the state in order to escape the tax. So long as each state in the Union has a separate system of taxation this problem will never be solved. What we need is a unified and centralized system of taxation in the United States, freed from political control, as far as possible, and placed in the hands of financial experts. The central government should levy and collect the taxes of the Nation. Then it could apportion to each state the revenue necessary for its upkeep.

In this way, the burden of taxes would fall on the states according to their "capacity to pay". This, of course, would involve constitutional changes, but there can never be any real and lasting reform in the taxation system in this country until this is done.

The Governor in his biennial message to the General Assembly of North Carolina on the sixth of January made a statement which seems to reflect the spirit of the times. He says, "I am convinced, and think you are, that we will never reach a solution of this age-old problem that will be entirely satisfactory, so we must continue to give it our attention and seek to approximate a solution, at stated intervals, to meet new conditions."²¹ Until the finances of the state and nation are placed in the hands of trained men and women who know their subject, and who are relatively free from political influence there will never be any solution to the problem. The Budget System existing in this state is a step in this direction and should be energetically encouraged.

North Carolina's Present System

The system of taxation for the state of North Carolina today embraces several different kinds of taxes. There is the poll tax, which, as we know, is an antiquated form of tax originating and existing in primitive society when there was no private property and each man was responsible personally for the upkeep of society. At present, in this state a tax of two dollars is levied on "each taxable poll, or male between the ages of 21 and 50 years."²²

In Schedule A of the Revenue Act of 1925 the state levies inheritance taxes. There are three different scales with the rates graduated for inheritance taxes. These rise from one per cent on the first \$25,000 after exemption, in the first scale, going up as high as sixteen per cent on an excess over \$500,000, in the third scale. There is an exemption for widows of \$10,000, and for each child under twenty-one years of age of \$5,000. During the fiscal year ending on June 30, 1926, these taxes brought \$886,376.25²³ to the treasury.

Schedule B opens with the following sentence: "Taxes in this schedule shall be imposed as a license tax for the privilege of carrying on the business or doing the act named."²⁴ Then there follows a long list of different types of businesses for which licenses are granted at different prices. These license taxes have always brought in considerable revenue to the state. During the last fiscal year the state collected \$1,285,684.99²⁵ on the miscellaneous items from this source.

Schedule C sets forth the rules and regulations governing "the privilege of carrying on the business" of corporations and institutions of such kind. This is a franchise tax which brought \$1,649,268.07 to the state treasury last year.²⁶

Schedule D imposes an income tax at a graduated rate. There is an exemption of \$1,000 for a single person, and \$2,000 for a married one, with an additional \$200 for each child. For the fiscal year ended June, 1926, this source yielded the General Fund \$6,111,036.15—more than half the revenue collected, the total General Fund Tax revenue being \$12,015,569.43.²⁷ This, of course, is only a small percentage of the entire receipts of the State Treasurer during the last year, which amounted to \$133,864,045.18.²⁸

At this point, I should like to say a word about the existence of a general property tax in this state. The state does not levy a general property tax but has conferred this power upon the localities—the counties and towns. In Schedule A of the Revenue Act of 1921 a passage was inserted for the first time which reads, "No tax on any property in the state shall be levied for any uses of the state government."²⁹ North Carolina is one of three progressive states in initiating this separation, the other two states being Pennsylvania and California, so I understand. If properly managed with a well-trained and accurately informed equalization board it seems to me that this should be effective. Opinions, however, of intelligent students of public finance differ in this respect, especially when the practical results are obtained. The arguments for and against this separation are set forth in a clear and able manner by Mabel Newcomer in her dissertation on *Separation of State and Local Revenues in the United States*.

In Conclusion

Our tax system rests upon the premise that ability to pay is reflected in expenditure, that indirect and direct taxes taken together furnish an approximation to justice. This is an erroneous idea. There will never be any real leveling of the tax burden upon those who have ability to pay until we have this ability ascertained in some scientific manner. This can be done if we concentrate our efforts upon the direct taxation of net income and net capital. Each person will know exactly what the government costs him; there will be no shifting of the burden of one person upon another, but each will share this burden according to his capacity to pay. In this manner, much waste will be avoided and the rate of taxes in general will be considerably lowered. The rate, the degree of progression, exemptions, and other questions connected with taxes will be determined by the economic conditions of the state and public opinion. This will bring about an elastic system of taxation which may be adjusted easily to changing conditions.

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THE TREND TOWARD LAWLESSNESS

J. F. ASHBY, Surry County

The recurring usage of the term "crime-wave" and the common references to the prevalence today of a great degree of lawlessness leads one to ask if there is a justification for these. The daily press, periodicals, judges and others are constantly warning the public that there is an increasing amount of lawlessness. The feeling that crime is increasing is substantiated by the appearance of a great number of crime stories in the daily newspapers. However, as many reason, the increased appearance of stories of law breaking in the press indicates that the reporters are on the job better than formerly, and it may be that this is largely responsible for the opinion that there is an increased amount of lawlessness. Glancing at the average paper, one comes across such headlines as these: "Bandits Broke in Three Cities, Gunmen Busy at Baltimore, Chicago, and New Orleans—Field Day—Escape with \$12,000 Payroll at Chicago and get \$4,000 from New Orleans Bank." On the same front page another story of crime is headed: "Town quiet after night of rioting; Races stage fight at Coffeyville, Kansas, Two injured; National guard units have situation in hand after mob makes attack on jail to get negroes."

Such headlines as these have come to be common to the regular reader of the daily papers. There is nothing astounding in the fact that banks are being looted or that mobs are storming a jail to secure negroes—the average citizen has long since become calloused, and takes it for granted that we must have lawlessness. Yet many citizens of inquiring minds have assumed that there is a definite increase of crime—a trend toward lawlessness—and they have set about to seek out the causes and to secure remedial action for the situation.

Before going further into the subject, it is necessary to define lawlessness or crime. To quote a supreme court decision, "If the legislature prescribes that a certain act shall be punishable by either fine or imprisonment, or forbids it generally such an act becomes a crime."¹ Further, "any action by an individual in contravention of a law is a crime. It may be the commission of an act forbidden by law or the omission of an act commanded by law. Murder and theft are examples of the first, neglect to properly care for one's children, of the latter."² There are two kinds of crimes, a felony, which is the most serious and carries the heavier penalties for violation, and misdemeanors, which include all the lesser offenses against the law. One sociologist, thinking the legal definition of crime insufficient to cover all cases and at the same time be thoroughly understood, defines it as follows: "Crime is an act which is believed to be socially harmful by a group of people which has the power to enforce its beliefs."³ This definition certainly covers the case much better. Many people, contradictory to law, think that rational indulgence in spirituous liquors is legitimate. However, since the majority has ruled otherwise, and has the power to enforce its ruling, the violator, if caught, must suffer the penalty inflicted by law.

America Leads in Crime

That America, first in many things, has an odious "first" in crime and lawlessness among the other nations of the world is proven by available statistics. These same statistics and other figures point to the fact that crime is increasing rather than decreasing. Italy is looked upon as the country of the stiletto, dark alley homicides and lawless citizens. Yet we see differently in the face of facts. A comparison of average percentages per 100,000 inhabitants over a period of ten years shows the United States as having 7.2 homicides as compared to 3.6 in Italy. It appears that, compared with ours, the ratio of homicides to population is one-half as great in Italy, one-eighth in Ireland, to which reference is frequently made as a turbulent country; one-ninth in England and Wales, and one thirty-sixth in Switzerland, which has the most commendable record. But even worse, the figure of 7.2 per 100,000 for the years 1911-21 rose, if computations are correct, to 10.3 in 1924.⁴

This increase in homicides of nearly fifty per cent is indicative that there is a trend toward lawlessness. "Today the greatest outstanding menace in America is crime," says Mark O. Prentiss, business man, publicist, social worker, and organizer of the National Crime Commission.⁵ This is borne out by the fact that there are 16 murders in New York City to every ten in London. Other cities in this country have records equally bad. Our homicidal record is 13 times as great as that of the Dominion of Canada.

The results of a recent referendum by the National Economic League, a national organization "to create an informal and disinterested leadership for public opinion and whose membership includes a number of the leading citizens of many American communities" show that 1,489 voted against 105 that there is "an abnormal amount of lawlessness and disrespect for law in this country at the present time."⁶

"Crime and lawlessness in the United States have been steadily on the increase and out of proportion to our growth, and there has been a steady and growing disrespect for law." So reports the enforcement committee of the American Bar Association in a recent report.⁷

The same is true in North Carolina as throughout the nation in the matter of increasing lawlessness. The lack of adequate statistics and records renders it difficult to show this increase in the state by comparative figures. However, the prevalence of a growing degree of lawlessness is recognized by judges, the press and many interested citizens. "It is a wonderful thing to be a North Carolinian, but with all our progress there are many matters that cause us concern. If I were called upon to pick the chief one, the principal one, I would say it is the lack of respect for constituted authority," Judge J. M. Oglesby declared recently in a grand jury charge.⁸ He prefaced this with the statement that there was a growing tendency toward lawlessness. The "alarming amount of lawlessness" in the country and this state was recently referred to by Judge T. B. Finley.⁹ There is a "steady increase" in lawbreaking in Charlotte, the *News* of that city reports.¹⁰

Recently, the Institute for Research in Social Science of the University has begun a study of crime in North Carolina with a view to getting at its causes and extent, and to devising preventives. So far a detailed statistical analysis of the Superior Court cases in the 100 counties of the state for the three-year period ending June 30, 1925, has been made. The data for this study consist of the reports turned in to the attorney-general at the end of each term of court by the clerks of the Superior Court. There are many interesting things revealed by this study. But because of the limits of the present survey, the investigators are unable to secure definite figures that show the amount of the increase of crime in the state.¹¹

The growth of crime and lawlessness is attended by a like increase in the costs of them. William B. Joyce, Chairman of the National Surety Company, estimates that over \$2,000,000,000 is annually taken from the American people by fraud.¹² There is an annual property loss of \$10,000,000,000 through crime.¹³ These figures, stupendous in amount as they are, show how costly crime is. Over and above the amount lost through fraud and crime in the acts themselves, it is estimated that \$126,500,000. is spent annually by citizens to protect themselves against criminals.

The cost of crime in North Carolina has not been carefully approximated. The state falls in line with the country in its losses due to these activities of criminals, and the lawless, and it spends its share to protect itself from losses by crime.¹⁴

The net administration cost for each inhabitant in the state is around \$1.25, the survey of the Institute for Research finds.

In a survey of over 200 American cities in 1915 and 1925 it is revealed that the per capita cost of maintaining crime-fighting forces has increased from \$3.04 in 1915 to \$5.41 in 1925.¹⁵ This per capita cost does not include the sums spent for improvement, nor the interest on bonds issued for construction and equipment of these departments.

Bower in his *Economic Waste of Sin* estimates that of the total annual economic waste of sin, which includes crime, war, disease, poverty, loss of life and energy, alcohol, prostitution, and narcotic drugs, crime costs \$3,329,-813,788 as against the total of all the forces responsible for the economic waste of sin, which amounts to \$13,565,588,743.¹⁶

Causes of Lawlessness

What are the causes of this growth of lawlessness and crime? There are divers reasons offered; among them are the condition of public sentiment, lax enforcement, improper laws, the failure of the home, church and school to do their duties, the results of the recent war, loss of faith in religion, the inability of man to adapt himself to his new complicated civilization, the result of national tradition, etc. The poll of the National Economic League, referred to above, shows that the condition of public sentiment and disrespect for law, laxity in law enforcement, and improper laws are the three fore-

most causes of the present-day lawlessness.¹⁷ The causes of increased crime, lawlessness, and disrespect for law are multifarious. Despite the efforts of many no certain conditions are ascribable.

Examining the condition of public sentiment and the disrespect for law, we find that here is probably the most important and far-reaching cause. Public opinion appears to be against the enforcement of law in the main. This is not to say that there is a militant sentiment against all law enforcement. It is meant that in most cases the public fails to support its servants in securing law observance. The inherent disrespect for law in many is obvious. The minor statutes and ordinances, of misdemeanor classification, are all too often looked upon as rules made to annoy the average citizen. Hence he breaks these laws when it will convenience him or satisfy a desire.

Then there is a feeling of antagonism towards all law enforcement on the part of a large group. They have the opinion that the law is ever after them, that it is like a dread disease, lying in wait to waylay one and harm him at every chance. This sentiment accounts for the opposition that law encounters when enforcement is attempted. Besides shielding the lawless, this group is happy to see indictments set aside and defendants declared not guilty. It has been estimated that over two-thirds of the people of North Carolina welcomed the Cole verdict in 1925. E. A. Ross, sociologist says, "No American can read it without a sense of mortification at the fatuousness and 'mushiness' we exhibit in dealing with thorough-faced malefactors."¹⁸

The indifference of citizens is causing the growth of crime. A set feeling expressed in "let the law take its course" is carried further by the citizen's apathy to the increased amount of lawlessness, and his lack of support to the law enforcing division of our government. He neither supports his government and its law, nor contributes anything as a citizen toward law enforcement.

Citizens Indifferent

This leads to the fact that a large part of the nation's population is avoiding the responsibilities that fall on them as members of a democracy. This widespread refusal to shoulder the duties and obligations which are inherent in the proper functioning of a democratic government, has its deleterious effects. As mentioned above, there has been and is now an ever growing tendency among the many to regard the government as the third person, so to speak. Democracy cannot continue and be successful if its citizens fail to shoulder the responsibilities that are required of them.

An incident of the "third person" regard for government and an example of the general failure to shoulder the responsibilities of self-government is found here on the campus in the present dispute over the actions of the student council.

The growing antagonism toward public officials and the guardians of the law, when they attempt to carry out their duty, is conducive both to crime increase and the downfall of self-government.

How much this condition of public sentiment and disrespect of law is due to the influence of the late war, the transition in our civilization, and the

breakdown of church, school and home influence is debatable. Certainly the overthrow and wild abandonment of all social restraints during the mad clash of the World War had its due influence on increasing crime.

Every period of history is one of transition, but the age in which we are living is one of major import. It has been generally accepted that man is potentially a criminal, that crime is but the expression of the ego, the struggle of individualism against the group-will. Modern influences favor crime, for man often lacks the ability to adjust himself immediately to changing conditions. Civilization today is not a biological product, it is a product of invention, and invention is revolutionizing, not evolutionizing. "Man creeps, and civilization leaps."¹⁸ Man follows as long as he can, then he becomes recalcitrant, reverts to obstinate individualism and becomes a criminal.

Less Religious Control

That the conflict between the church and scientists has caused a breakdown in beliefs is certain. Laws are made to regulate society; religion is created to control it. It is well known to many that the fear of punishment from the supernatural, the solace and comfort, and the promise of a future happiness are a great aid in controlling the ignorant and superstitious. The failure of the church to keep step with invention has caused us to assume a crass materialism, and the "revolt of modern youth" typifies the turning from the church. Says Emile Boutroux, "He who possesses science and art has a religion; he who does not needs one." "Eating from the tree of knowledges, we are indeed driven out of paradise."²⁰ Present-day skepticism has contributed a disbelief that forces defiance to law, and causes disrespect and frequent infractions.

"If a child will not obey his parents and is not made to obey them," Judge T. B. Finley of the Superior Court has declared, "he will not obey his teachers, he will not obey his preacher, or the sheriff or the policeman. The next step in his career is the lock-up, the chaingang or the electric chair. I cannot emphasize too strongly the need of the right sort of home training in our homes."²¹ Better home training with its intrinsic values is advocated widely as a means of lessening crime.

Lax law enforcement, unnecessary laws, and tedious court procedure are contributing causes to the increase of crime and lawlessness. The lack of public opinion, together with poor and inefficient officials, is largely responsible for lax enforcement.

Unnecessary laws, such as the South Carolina ancient blue law, cause disrespect and contempt for the laws and the officials. Roscoe Pound, Dean of the Harvard School of Law, says in regard to court procedure, "Criminal law is the almost exclusive field of the lower stratum of the American law."²² Petty technicalities, undue influence of lawyers and delayed justice are pernicious factors. Last week the state supreme court granted a new trial to a murderer, convicted and sentenced to be executed, on the technicality that the verdict of the jury had been delivered to the court clerk and not to the judge.

The reign of mob rule and the unwritten law is deprecated in every corner of the nation. The hold of the klan and mobs on this state has been slight, and the press has vigorously denounced both. The prompt dealing with the Needleman mob and other similar movements has added prestige to law enforcement in this state. However, such is not the case elsewhere. A survey of the Atlanta Constitution shows how firmly fixed is mob rule in Georgia, especially in three counties. That paper gives a list of known victims, and points out how powerless the county officials are to cope with the mob, who have appropriated the matter of meting out punishment as they may feel disposed.

Glorification of Lawlessness

James M. Holzman in the *South Atlantic Quarterly Review* lays the cause of lawlessness to American tradition. He reasons thus:

"Beginning with our Revolution practically every important step in our national life has been founded upon successful disregard of law. As a nation we now have a sentimental tenderness for violence, the result of changing centers of lawlessness each appealing powerfully to the imagination of the people.

"The term 'crime-wave' is applied with an unquenchable optimism . . . One influence giving rise to this state was the disorder which accompanied the winning of the west and was looked upon as fleeting. Another is to be found in the 'solid' south, with extraordinary sectional privileges, educationally backward, which was never meant to become the leading national influence it is.

"The essential point is that, rightly or wrongly, the most respectable class of a most important section of the United States has been for a generation engaged in a hereditary conspiracy to flout both common law and constitution by every means which boasted violence and degenerated legislation can suggest . . . Northern resentment lapsed into acquiescence and acquiescence finally changed to admiration . . . We succumbed to the emotional appeal of the South.

"How far the penetration of this Southern spirit of lawlessness, sugar-coated as Southern chivalry, has spread is indicated by the presence of the Ku Klux through the North; the lawless tradition has become the imagination of '100 per cent Americanism.'

"The west has appealed to American imagination. 'The obvious effect of this glorification of free gun play—in novels, movies and magazines about cowboy life—upon the less settled part of the community,' has often been noticed. What was a pioneer necessity is now one of the most harmful influences in the civilized community. At the present day, for the first time, the classical lawlessness of the west and south has gained sufficient strength to become a dominant national force which we call the 'crime wave'."

Sociologists ascribe the causes of crime almost wholly to the lack of knowledge in treating crimes and preventing them. E. A. Ross says, "The

secret of our excessive criminality should be sought in our manner of dealing with the ill-disposed element of society."²⁴ This leads us to consider what may be done to ameliorate the present condition of crime growth.

Prevention of Crime

It is palpably obvious to those who seek to get at the source and better the conditions of lawlessness that there is a definite lack of facts and figures relating to crime. To remedy this an endless number of crime commissions have been constituted and the results of their research and findings serve to turn the light on where the remedies are most needed. For instance, the Missouri Crime Commission has found that "crime, at least in Missouri, is not a hazardous occupation. In St. Louis in the course of a single year there were 149 cases of homicide and 25 punishments; 2,701 burglaries and 107 punishments; 2,075 robberies and 85 punishments. The chances of escaping the penalty for murder were 5 out of 6 in St. Louis and 10 out of 11 in Kansas City; for robbery, 24 out of 25 in St. Louis and 27 out of 28 in Kansas City; for burglary, 24 out of 25 in St. Louis, and 99 out of 100 in Kansas City."²⁵ This survey serves to show the egregious lack of law enforcement.

The crime study of the Institute for Research in Social Sciences, of the University of North Carolina, is throwing light on crime conditions in this state. It is to be hoped that it will be continued.

There is a general feeling that there is an insufficient amount spent on crime prevention in comparison to the expenditures for punishment. The criminologist and welfare workers are daily penetrating the confines where environment tends to breed criminals. Furtherance of this preventive work, will aid greatly in reducing crime.

The bringing of public sentiment more in line with law respect and enforcement is highly necessary. The cessation of the foolish sentimentality in respect to the criminal must be accomplished. This may be done in a large way by a greater enforcement of laws, repealing unnecessary laws, less foolish legislation, and better court procedure.

The recent refusal of Judge J. M. Oglesby of the Superior Court to permit those delinquent in paying their taxes to sit on a jury is a step towards commanding more respect for the law of the land.

That the legislative bodies should be mindful of what laws they enact is of great importance. Many advocate that the state legislatures and Congress take a prolonged vacation.

Active steps are being taken to get a better court procedure for the judiciaries of the nation. These reforms will probably be a good while in coming, but adoption sooner or later is inevitable.

With the acquisition of more definite knowledge of crime and criminals, an improvement in public sentiment, stricter enforcement, and the better adaptation of mankind to the new conditions, it is felt that the present trend toward lawlessness will be effectually halted.

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DEMOCRACY AND A FREE PRESS

JOSEPHUS DANIELS, Raleigh, N. C.

The tendency in this day of drifting is away from faith in the practicability of democracy. This is not confined to North Carolina, though the manifestations of this distrust in our own state should give pause to those who still believe that if the people cannot be trusted to govern themselves there are no others fit for the difficult job of free government. It is a world-wide miasma. Its most conspicuous examples today are in Russia where former Bolsheviks and communists have copied the worst terrorism of the tyrant, and in Italy, where the black-shirted Fascists are the dispensers of an autocracy which in Caesar's day would have made the very stones cry out against the destruction of freedom. These European lapses to government by an autocrat find their counterpart elsewhere, though far removed from the gross evil of suppression of free thought, free speech, freedom of religion and freedom of the press.

A Drift Away From Liberalism

The election of von Hindenburg as president of Germany, the elevation of Baldwin over Lloyd George in Great Britain, Poincaré's victory in France, and the election of Coolidge, the ultra-conservative, to succeed liberals like Roosevelt and Wilson are the least dangerous tendencies which prove how the pendulum has swung away from the liberalism of the pre-war period in these most democratic countries, if it can truly be said that in the debacle following the war there are any countries which have retained their old-time belief in democracy.

Contrast the Mussolinis of 1927, who sneer at popular rule, declare that it is out of date, and adulate one-man rule, with the spirit before the World War that pointed to the spread of democracy. Before 1914 the believers in popular government were cheered when Russia established a Douma elected by the people; Japan created a Diet; China gave a Constitutional Assembly followed by the creation of a republic; and Turkey and Persia set up legislative assemblies chosen by the people. To be sure some of those promises made to the ear were broken to the hope but the gestures of democracy were in the right direction and if war, more devastating of ideals than of life, had not fallen as a blight upon the world, the movement toward democracy would have had its steady growth toward popular rule. It is customary to make the World War the scapegoat of all the ills of our generation, and often without justification. Surely the debacle following war is the parent of the latter-day lack of faith in any government except that imposed by the iron hand or the more dangerous hand of the love of ducats.

No Democracy Without a Free Press

Democracy and autocracy cannot both thrive in the pure atmosphere of freedom. Sometimes the latter poses as a temporary substitute for the first. There is a sure way of telling the real thing from the counterfeit. An autocrat

often preaches republicanism as a sound principle, justifying temporary departures by the necessities of the case. His camouflage will be exposed by observing one sign and one only. If the press is free, autocracy if attempted, digs its own grave. Tyranny and a free press cannot survive in the same climate. No matter what he calls himself, whether President of the Council of the People's Commissars of the proletariats like Lenin, or as Mussolini calls himself Minister of the Interior and Foreign Affairs, etc., etc., or Premier or President makes little difference. Titles in themselves signify nothing. The infallible test of a ruler is this: Does he keep his hands off the press? Is it free to speak its mind freely 'unawed by influence or unbribed by gain'? If the press is what chancellors call 'a bonnie press,' meaning a press so good to the powers that be as to spread helpful propaganda, you may know that the pretense of democracy is a shell. If the ruler is a Czar and yet does not censor the publications, the germ of freedom is alive. It is as true now as when uttered that, to quote Jefferson, 'if I had to make a choice between a free press and a free country, I would not hesitate to choose a free press, because no country that enjoys the privilege of a free press will long be without the blessings of a free country.'

High Finance in Journalism

Therefore your subject of 'Democracy and a Free Press' are nearly, though not quite, synonymous. Democracy cannot endure without freedom of the press, but a press uncensored may bind itself with fetters that make it impotent to preserve and perpetuate the sort of rule Jefferson had in mind. There is no official censorship of the press in America. Theoretically it is free to speak its mind. But are there no self-imposed fetters? Is not a portion of the press itself contaminated by the lack of faith in free government? Is it not afraid of popular rule and skeptical of the old truth that all free governments derive their just powers from the consent of the governed? The crude day of a limited dictatorship of a portion of the press by advertisers has passed, and it never existed to any large degree. The day when party bosses shaped its policy has ended. Prosperity has released it from dependence upon patrons. In the great cities the press has itself come to rival other financial institutions and chain papers vie with chain stores for large dividends. High finance has been known to invade sanctums as well as banks. And herein lie the self-imposed dangers to the press, the chains made by itself to bind it to dividends. There is only one more cowardly thing in the world than a dollar. And that is two dollars. If the newspaper comes to pay larger returns than a factory, how long before its owners will think less about watering its stock than the business combination? These questions are merely suggested. The answer should be more appropriately given at a gathering of editors than collegians. I raise them here simply to point out the difficulty of full dependence upon the press for the upholding of popular government and the pillorying of government in the interest of the few. 'If the salt have lost his savour, wherewith shall it be salted?' If because

it is itself becoming capitalistic, or is indifferent to its duty, the press should 'hold its peace' at this time and fail the people, enlargement and deliverance will arise from other sources, and the press will invite the condemnation Mordecai foresaw in the case of Esther.

North Carolina Prosperous

Passing over the tragedy of Italy with its black-shirted autocracy, which Mussolini, so far as free thought is concerned, has made a desert and calls peace; or Russia where uneducated peasants wear the yoke of autocracy because enjoying gifts of land confiscated from its banished owners; let us see the drift nearer home toward an autocracy of power of wealth which commands willing genuflection by too large a portion of the people and the press.

North Carolina boasts—and properly and proudly—of prosperity unknown to former generations. It is seen in its industrial expansion, its commercial development, in its better roads and schools, and in myriads of other ways. It is living in a period of transition from a state predominantly agricultural to one in which manufacturing has come to be so large as in some sections to dominate. The diversification of products and pursuits is a matter for gratification and will bring its problems and its blessings with it. As we rejoice in the new industrialism, let us be vigilant that it is not purchased at the price of faith in democracy. Agriculture has lost more in power in North Carolina than in profits. The day was when 'the farmer vote' was either respected or feared. Today, for one reason or another, the farmer exercises little influence, and the seats of power have been transferred to industrial centers. Is the farmer to be much longer the silent and uninfluential factor in North Carolina and in the Republic?

If the chief power is now industrial and city controlled this does not mean that the men and women who work 60 hours a week on small pay have come to exercise the influence formerly exercised by the farmers. The men and women in the mills seem to have abdicated real power almost as completely as the farmers.

Where then does the power mainly rest today? It would be untrue to say that it inheres in the commercial and manufacturing and professional population exclusively. But it is true that these three classes are in the saddle. They write platforms and in the main nominate candidates and largely control the state in its actions. Possessing the major part of the mobile wealth and able to give employment, these two engines of power, plus education, enable them to exercise leadership. Intelligence organized and directed always leads. There should be no ignorant dictatorship, or even leadership. With increasing industrial power, there will be increasing direction by industrial forces and allied interests. No one should declaim against this tendency in affairs if it does not predominate over just representation and consideration of labor and agriculture.

Dangers of Industrialization

The big question in North Carolina today is: Will the wealth and industry of the state be Pennsylvania-minded or Massachusetts-minded? I do not mean that North Carolina should be patterned upon any state or be a copy of any commonwealth. It should evolve its own spirit of industrial development and hold fast to its faith in government of the people. The danger is that the industry which makes wealth for the hundreds will drive out the old-time faith in democracy and cause a twentieth century worship of government by wealth rather than government by intelligence and for the common welfare. Is there not a tendency observable in North Carolina today toward distrust of the democracy incarnated in Macon, Vance and Aycock, and a Federalistic trend? When the Bickett 'let the tax books speak the truth' program was ratified two pledges were made: One that the tax on visible property should not be increased over 10 per cent and that the tax on large incomes should not exceed 6 per cent. What has happened? The tax on visible property has doubled and trebled while no attempt has been made to exceed the 6 per cent limitation placed on incomes. I am not criticizing this situation, but does it not show a spirit of tenderness toward the taxation of wealth not so fully disclosed as to home owners and farm owners? There was unanimous approval of big bond issues for roads and for buildings at higher institutions of learning. However, when it came to the public schools, it was only by strong public demand that the plan to discontinue loans for public school-houses in poor districts was thwarted. Even then the amount was cut in two. And the attempt to increase the public school term to eight months in the rural districts was strangled without permission of debate. As to taxation, public service and like corporations are highly favored while heavy burdens are imposed on home owners and owners of farms.

The bill to limit working hours in factories to 55 a week was killed with a spirit of levity that indicated a lack of serious consideration of a question touching the rights of toilers. And the humane measure went to the table by the votes of the leaders of both political parties.

These are not indictments against the commonwealth or the people or public officials. They are but straws which show that in influential circles there is danger of loss of the old-time democratic faith in equality in North Carolina.

Laissez-Faire Policy Inadequate

In my judgment the tendency toward disregard of human relations and social improvement is not due to any policy so much as lack of consideration. Industries have multiplied so rapidly and people are so anxious for development and prosperity they have imperceptibly gravitated into favors to industries which are greatly desired. The men who forget the rural children and the mill workers would be the last to neglect them deliberately. They have not yet apprehended that when a state goes from farming to manufacturing the policy of laissez-faire must be replaced with one of greater concern for those who are employed by the day. It is the transition period. North

Carolina is so anxious for more and more industries it has not yet appreciated the obligations due to the human agencies as well as to invested capital. Both must be regarded, but the man, the woman and the child must come first if industry is to bourgeon on solid and enduring foundations.

Recently Christian ministers made wholesome suggestions as to the industrial life of North Carolina which deserved to have won the commendation of the whole commonwealth. These suggestions, recognizing the difficulties under present conditions of the textile industry, were made to captains of industry looking toward closer association between employers and employees in mill villages and for shortening the long hours in operation in this state. Every argument for industrial democracy was on the side of the temperate and wise utterances by the representatives of the Christ who honored labor. How was it received? Sad to say, in some quarters of North Carolina the reception given to this humane and wise step toward better relations brought down a storm of criticism upon the Christian ministers and laymen. Even more deplorable, some of our editors joined in this criticism. This shows a dangerous tendency toward being Pennsylvania-minded. I can think of nothing worse. I do not mean any reflection upon the hundreds of thousands of good Pennsylvanians. I mean only that the Keystone State is dominated by an unholy alliance between big business and machine politics which makes its public life of the earth earthy.

The Pennsylvania-mindedness, against which captains of industry and others need to be warned, is that the big industries furnish the money to political bosses, little and big, and together they constitute a menace to real democracy. It is a danger that confronts our country as never before. It was seen by Lowell long before Fall corruptly gave the oil reserve to Doheny and Sinclair, for it existed in his day. Alluding to trades between public men and politicians, Lowell wrote:

“If you git me in the White House
Your head with ile I'll kinder 'nint
By gittin' you inside the lighthouse
Down to the end of Jaalam pint.”

There are evils, grave ones, in the chief textile state of New England, but ‘Massachusetts, there she stands,’ unwilling to surrender to the complete domination of industrial selfishness such as has given Pennsylvania the name of ‘corrupt and content.’ No state is free from selfishness. The Old Bay State, with all its materialism and political sanctimoniousness, has enlightened labor laws, and that commonwealth retains enough of the spirit of Horace Mann to prevent the complete subjection of the state to the materialism that degrades democracy.

North Carolina Fixed and Forward

Jefferson said, ‘North Carolina is fixed and forward.’ That was true of us in 1800. Is it true today? Is there not danger that it shall become ‘fixed’ without remaining ‘forward’ in faith in popular government and in application to the doctrines of popular government and equality? Is there not the menace

of becoming Pennsylvania-minded in the expansion of industry without acceptance of accompanying responsibility? If that danger exists, even if today it is no larger a cloud than the size of a man's hand on the horizon, is it not clear that the press and the people need to cry aloud and summon the people to 'the ancient landmarks which the fathers have set'?

If faith in democracy is imperiled, a duty devolves upon the universities and colleges if they have not lost faith in the people to join with the press in rescuing it and perpetuating it. If the press—or a portion of it—is silent or in sympathy with Federalistic tendencies, then the privilege and responsibility of educational institutions are even greater, for if they do not light the way to universal education and to equality and fraternity, for what good purpose do they exist?

